

# AGENDA

# 4:30 P.M.

CITY OF SEDONA, CITY COUNCIL MEETING

TUESDAY, DECEMBER 12, 2017

## NOTES:

- Public Forum:  
Comments are generally limited to **3 minutes**.
- Consent Items:  
Items listed under Consent Items have been distributed to Council Members in advance for study and will be enacted by one motion. Any member of the Council, staff or the public may remove an item from the Consent Items for discussion. Items removed from the Consent Items may be acted upon before proceeding to the next agenda item.
- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:

[www.SedonaAZ.gov](http://www.SedonaAZ.gov)

## GUIDELINES FOR PUBLIC COMMENT

### PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.

### PROCEDURES:








- Fill out a "Comment Card" and deliver it to the City Clerk.
- When recognized, use the podium/microphone.
- State your:
  1. Name and
  2. City of Residence
- Limit comments to **3 MINUTES**.
- Submit written comments to the City Clerk.

## 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE/ROLL CALL

## 2. CITY'S VISION/MOMENT OF ART

## 3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT = 

- a. Minutes - November 28, 2017 City Council Regular Meeting. 
- b. Minutes - November 29, 2017 City Council Special Meeting - Executive Session. 
- c. Minutes - November 29, 2017 City Council Special Meeting. 
- d. Approval of Proclamation, Civil Air Patrol Week, December 11-17, 2017. 
- e. AB 2318 Approval of recommendation regarding a new Series 12 Restaurant Liquor License application for Outlaw Grille located at 255 N SR 89A, Sedona, AZ (License #12033445). 
- f. AB 2296 Approval of an Extension of Premises for Sedona Divine Olive Oils located at 270 N. State Route 89A, #5, Sedona, AZ (License #10033232). 
- g. AB 2325 Approval of a Resolution opposing cuts to federal funding for economic and community development, human services, community action, housing, and infrastructure investment programs. 

## 4. APPOINTMENTS - None

## 5. SUMMARY OF CURRENT EVENTS BY MAYOR/COUNCILORS/CITY MANAGER


## 6. PUBLIC FORUM

(This is the time for the public to comment on matters not listed on the agenda. The City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

## 7. PROCLAMATIONS, RECOGNITIONS & AWARDS

- a. Presentation of Proclamation, Civil Air Patrol Week, December 11-17, 2017.

## 8. REGULAR BUSINESS

- a. AB 2319 **Public hearing/discussion/possible action** regarding a request for approval of a Zone Change from C-2 (General Commercial) to RM-3 (High Density Multifamily Residential) and Development Agreement to allow for the development of a 45 unit apartment complex. The property is located at 3285 W State Route 89A, at the southeastern corner of the intersection of W State Route 89A and Pinon Drive. APN: 408-11-086A Applicant: Keith Holben, MK Company, Inc. Case Number: PZ17-00009 (ZC, DA). 
- b. **Reports/discussion** on Council assignments.
- c. **Discussion/possible action** on future meeting/agenda items.

CITY COUNCIL CHAMBERS  
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

## Page 2, City Council Meeting Agenda Continued

### 9. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

### 10. ADJOURNMENT

Posted: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Susan L. Irvine, CMC  
City Clerk

Note: Pursuant to A.R.S. § 38-431.02(B) notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with material relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at [www.SedonaAZ.gov](http://www.SedonaAZ.gov). The Council Chambers is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made **forty-eight hours** prior to the meeting.

CITY COUNCIL CHAMBERS  
102 ROADRUNNER DRIVE, SEDONA, AZ

**Action Minutes**  
**Regular City Council Meeting**  
**City Council Chambers, Sedona City Hall,**  
**102 Roadrunner Drive, Sedona, Arizona**  
**Tuesday, November 28, 2017, 4:30 p.m.**

**1. Call to Order/Pledge of Allegiance/Moment of Silence/Roll Call**

Mayor Moriarty called the meeting to order at 4:30 p.m.

**Roll Call:** Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor John Currivan, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, and Councilor Joe Vernier.

**Staff Present:** City Manager Justin Clifton, Assistant City Manager Karen Osburn, City Attorney Robert Pickels, Jr., Associate Attorney Robert Pollock, Director of Community Development Audree Juhlin, Director of Public Works and City Engineer Andy Dickey, Parks & Recreation Manager Rachel Murdoch, Human Resources Manager Brenda Tammarine, Wastewater Operator II Santiago Parra, Communications Specialist Christina Roberts, Associate Engineer Bob Welch, City Clerk Susan Irvine.

**2. City's Vision**

A video of the City's Vision was played.

**3. Consent Items**

**a. Minutes - November 14, 2017 City Council Regular Meeting.**

**Motion: Councilor Thompson moved to approve consent item 3a. Seconded by Councilor Jablow. Vote: Motion carried unanimously with seven (7) in favor and zero (0) opposed.**

**4. Appointments – None.**

**5. Summary of Current Events by Mayor/Councilors/City Manager**

Councilor Lamkin advised that a light show on the red rocks will take place December 14<sup>th</sup> through 17<sup>th</sup> at 6:00, 7:00, 8:00, and 9:00 p.m. Vice Mayor Martinez stated that Breakfast with Santa is Saturday at the Sedona Hub from 8:00 to 10:00 a.m. with breakfast provided by the Elks Lodge. Councilor Jablow advised that the re-dedication of the newly transformed Sedona Dog Park is on Thursday at 10:00 a.m. Mayor Moriarty stated that the Tree Lighting will occur on Friday at Tlaquepaque North. Justin Clifton introduced the following new City employees: Wastewater Operator II Santiago Parra, Communications Specialist Christina Roberts, and Associate Engineer Bob Welch.

**6. Public Forum – None.**

**7. Proclamations, Recognitions, and Awards – None.**

**8. Regular Business**

**a. AB 2299 Presentation/discussion regarding a general countywide update from Yavapai College.**

Presentation by Yavapai College representative Dr. James Perey, Executive Dean and Chief Executive Officer, Verde Valley Campus.

Questions from Council.

**Presentation and discussion only. No action taken.**

**b. AB 2302 Public hearing/discussion/possible action regarding the adoption of a resolution and ordinance updating the City of Sedona's Consolidated Fee Schedule.**

Presentation by Justin Clifton and Rachel Murdoch.

Questions from Council.

Opened the public hearing at 5:56 p.m.

No comments were heard.

Closed the public hearing and brought back to Council at 5:56 p.m.

**Motion: Vice Mayor Martinez moved to approve Resolution No. 2017-28 creating a public record entitled "2017 Amendments to the Sedona Consolidated Fee Schedule." Seconded by Councilor Thompson. Vote: Motion carried unanimously with seven (7) in favor and zero (0) opposed.**

**Motion: After 1<sup>st</sup> reading, Vice Mayor Martinez moved to approve Ordinance No. 2017-08, adopting proposed changes to the Consolidated Fee Schedule. Seconded by Councilor Thompson. Vote: Motion carried unanimously with seven (7) in favor and zero (0) opposed.**

**c. AB 2303 Public hearing/discussion/possible action regarding the adoption of a resolution to amend the Community Development Fee Schedule to add new fees related to off-premises signs.**

Presentation by Audree Juhlin, Robert Pickels, Jr., and Justin Clifton.

Questions from Council.

Opened the public hearing at 6:07 p.m.

No comments were heard.

Closed the public hearing and brought back to Council at 6:07 p.m.

**Motion: Councilor Jablow moved to approve Resolution No. 2017-29 amending the Community Development Fee Schedule to add new fees related to off-premises signs. Seconded by Councilor Thompson. Vote: Motion carried unanimously with seven (7) in favor and zero (0) opposed.**

**d. Reports/discussion on Council assignments**

Councilor Vernier stated that he attended the Library's board meeting last week, and they were recently audited with good results. They are planning for their 60<sup>th</sup> anniversary next year. Councilor Thompson stated that KSB elected new officers at their annual meeting, and they are doing well.

**e. Discussion/possible action on future meeting/agenda items**

Councilor Currivan requested an agenda item to discuss the IGA with ADOT and sign code enforcement in the State's right-of-way. Councilor Thompson seconded this request. Mayor Moriarty advised that there is an Executive Session tomorrow at 2:00 p.m. and a meeting at 3:00 p.m.

**9. Executive Session**

**Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. Return to open session. Discussion/possible action on executive session items.**

No Executive Session was held.

**10. Adjournment**

Mayor Moriarty adjourned the meeting at 6:14 p.m. without objection.

**I certify that the above are the true and correct actions of the Regular City Council Meeting held on November 28, 2017.**

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

\_\_\_\_\_  
Date

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**Action Minutes  
Special City Council Meeting  
Executive Session  
Vultee Conference Room, Sedona City Hall,  
106 Roadrunner Drive, Sedona, Arizona  
Wednesday, November 29, 2017, 2:00 p.m.**

**1. Call to Order**

Mayor Moriarty called the meeting to order at 2:00 p.m.

**2. Roll Call**

**Roll Call:** Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor John Currivan, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, Councilor Joe Vernier.

**Staff in attendance:** City Manager Justin Clifton, Assistant City Manager Karen Osburn, City Attorney Robert Pickels, Jr., Wastewater Manager Roxanne Holland, City Clerk Susan Irvine.

**3. Executive Session**

**Motion: Vice Mayor Martinez moved to enter into Executive Session at 2:01 p.m. Seconded by Councilor Lamkin. Vote: Motion carried unanimously with seven (7) in favor and zero (0) opposed.**

**Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

- a. **Discussion and consultation with the City Attorney in order to consider the City's position and instruct its attorney regarding the City's position on a contract with the Yavapai-Apache Nation that is the subject of negotiation. This matter is brought in executive session pursuant to A.R.S. 38-431.03(A)(4).**
- b. **Return to open session. Discussion/possible action on executive session items.**

**No action taken.**

**4. Adjournment**

**Mayor Moriarty adjourned the meeting at 2:40 p.m.**

**I certify that the above are the true and correct actions of the Special City Council Meeting held on November 29, 2017.**

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Susan L. Irvine, CMC, City Clerk

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Date

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**Action Minutes  
Special City Council Meeting  
City Council Chambers, Sedona City Hall,  
102 Roadrunner Drive, Sedona, Arizona  
Wednesday, November 29, 2017, 3:00 p.m.**

**1. Call to Order/Pledge of Allegiance/Moment of Silence**

Mayor Moriarty called the meeting to order at 3:00 p.m.

**2. Roll Call**

**Roll Call:** Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor John Currivan, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, and Councilor Joe Vernier.

**Staff Present:** City Manager Justin Clifton, Assistant City Manager Karen Osburn, City Attorney Robert Pickels, Jr., Associate City Attorney Robert Pollock, Wastewater Manager Roxanne Holland, Director of Public Works and City Engineer Andy Dickey, Deputy City Clerk JoAnne Cook.

**3. Special Business**

**a. AB 2315 Discussion/possible direction regarding the Wastewater Master Plan Update and possible funding and policy changes for collection system expansions and/or repairs.**

Presentation by Roxanne Holland, Andy Dickey, Justin Clifton, and Eric McLeskey, P.E., Carollo Engineers, Inc.

Questions and comments from Council.

**By majority consensus, Council agreed that the Interceptor Inspection Project is a high priority. They directed staff to bring back some scenarios for their consideration regarding the prepaid fee options in the Less Likely Connection Areas, and a more refined cost and funding analysis for the expansion areas, keeping the wastewater rates as low as possible.**

**4. Discussion/possible action on future meeting/agenda items – None.**

**5. Executive Session**

**Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. Return to open session. Discussion/possible action on executive session items.**

No Executive Session was held.

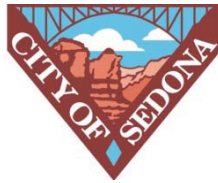
**6. Adjournment**

Mayor Moriarty adjourned the meeting at 4:54 p.m. without objection.

**I certify that the above are the true and correct actions of the Regular City Council Meeting held on November 29, 2017.**

\_\_\_\_\_  
JoAnne Cook, Deputy City Clerk

\_\_\_\_\_  
Date



## City of Sedona Proclamation Request Form

<b>Full Name of Contact Person</b>	Victor La Sala
<b>Contact Phone Number</b>	(516) 857-3093
<b>Contact Mailing Address</b>	119 E Tonto Dr, Sedona, AZ 86351
<b>Contact Email Address</b>	sq205cc@gmail.com
<b>Group, Organization, Activity or Event Being Recognized</b> (Please make sure you provide complete and current information about the group or event)	Civil Air Patrol, the civilian volunteer component of the United States Air Force Auxiliary.
<b>Website Address</b> (if applicable)	gocivilairpatrol.com
<b>Name of the sponsor(s) of the Proclamation</b> (2 Council members or the City Manager)	Mayor Moriarty Vice Mayor Martinez
<b>What is the proclaimed day, days, week or month?</b> (e.g. 10/11/12, October 11-17, 2012, October 2012)	Week of 11 December 2017
<b>Would you like to attend a Council meeting for formal presentation of the Proclamation or would you like to pick it up?</b>	<input checked="" type="checkbox"/> Presentation at Meeting <input type="checkbox"/> Pick up Proclamation
<b>If you would like the Proclamation presented at a Council meeting, please provide the full name and contact information (phone number and email address) of the party who will accept it on behalf of the group.</b>	Victor La Sala, Maj Squadron Commander Civil Air Patrol Verde Valley Composite Squadron 205 119 E Tonto Dr Sedona, AZ 86351 (516) 857-3093 sq205cc@gmail.com

**Provide information about the organization/event including a mission statement, founding date, location and achievements.**

Civil Air Patrol has three missions:

Aerospace Education

Cadet Programs

Emergency Services

The Civil Air Patrol (CAP) was founded on 1 December 1941 under the Federal Office of Civil Defense and supported the war effort with coastal patrols and search and rescue. In 1945, CAP became the official auxiliary of the US Army Air Forces. At that time, one in four CAP members were women. In 1946 President Truman signed Public Law 476 making CAP a federally chartered non-profit corporation.

In 1951, CAP first developed aerospace education program workshops to stimulate American's interest in aerospace technology and offers no-cost activity kits to teachers K-12. Over the years, CAP has developed a robust Cadet program stressing the core values of Integrity, Service, Excellence and Respect, important for developing the leaders of tomorrow. Emergency Services includes Search & Rescue (both air & ground), Disaster Assistance support for agencies such as FEMA, damage assessment and support of Air Force non-combatant training activities.

**Please explain why this Proclamation and any events accompanying it are important to the Community and are consistent with the City's vision statement and Community Plan goals. What is the clear reason for the Proclamation and why are you requesting this honor? What activities/events are planned around this Proclamation and how do you plan to promote this to the community?**

CAP has consistently supported City and Community activities in Sedona and surrounding communities including the Viet Nam Wall event, American Heritage Academy festival, Sedona Pumpkin Splash, Sedona Wildcat Festival and other community events.

We consider the proclamation to be a great honor and a recognition of the unpaid volunteer efforts of our members. The visibility will serve to get our message of service out to the community, to encourage the education community to take advantage of our STEM aerospace education programs and to inspire volunteer participation in our emergency services.

The proclamation would be presented at our upcoming Awards and Promotions event that recognizes both Cadets and Seniors, and in particular, support of our Cadet parents and distinguished guests.

***Please include a draft of the proposed Proclamation with this request, preferably a Word file in electronic format.***

**Office of the Mayor  
City of Sedona, Arizona**



**Proclamation  
Civil Air Patrol Week  
December 11-17, 2017**

WHEREAS, the Civil Air Patrol, a civilian auxiliary of the United States Air Force, is dedicated to volunteer public service in the interest of community, state, and national welfare; and

WHEREAS, the members of the Verde Valley Squadron 205, located at the Sedona Airport, are prepared to give their time and resources to benefit their fellow Americans through aerial and ground search and rescue operations, humanitarian and mercy flights, and many other unselfish acts of emergency; and

WHEREAS, this organization of volunteers is helping conduct an effective national program of aerospace education and training for its members and the general public; and

WHEREAS, this patriotic organization offers an outstanding program of leadership training and development and career motivation to its teenage cadet members; and

WHEREAS, 2017 marks the 76<sup>th</sup> anniversary of the Cadet Program.

NOW, THEREFORE, I, SANDY MORIARTY, MAYOR OF THE CITY OF SEDONA, ARIZONA, ON BEHALF OF THE SEDONA CITY COUNCIL, do hereby proclaim the week of December 11, 2017 to be "Civil Air Patrol Week" in Sedona and do hereby call upon the citizens of this City to observe this week with appropriate ceremonies honoring the men, women, and cadet members of the Civil Air Patrol and of the local unit of this worthy organization.

Issued this 12<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

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**CITY COUNCIL  
AGENDA BILL**

**AB 2318  
December 12, 2017  
Consent Items**

**Agenda Item: 3e**  
**Proposed Action & Subject:** Approval of recommendation regarding a new Series 12 Restaurant Liquor License for XETE LLC DBA Outlaw Grille located at 255 N SR 89A, Sedona, AZ (License #12033445).

<b>Department</b>	City Clerk's Office
<b>Time to Present</b>	N/A
<b>Total Time for Item</b>	
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	Liquor License Application is available for review and inspection at the City Clerk's Office.

City Attorney Approval	Reviewed 12/4/17 RLP	<b>Expenditure Required</b>	\$ 0
City Manager's Recommendation	Approve a new Series 12 Restaurant Liquor License for Outlaw Grille.	<b>Amount Budgeted</b>	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

**Background:** State liquor laws require Sedona's City Council to forward a recommendation for approval or denial of applications for liquor licenses.

The City has received an application for a new Series 12 Liquor License for XETE LLC DBA Outlaw Grille located at 255 N SR 89A, Sedona, AZ (License #12033445). The liquor license application is available for review and inspection in the City Clerk's office or by email.

A Series 12 liquor license is a non-transferable, on-sale retail privileges liquor license that allows the holder of a restaurant license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Community Development, Finance, the Sedona Police Department (SPD), and Sedona Fire District (SFD) have conducted a review of the application. No objections regarding its approval were noted.

**Community Plan Consistent:** Yes - No - Not Applicable

**Board/Commission Recommendation:** Applicable - Not Applicable

**Alternative(s):** Recommend denial of the new Series 12 Restaurant Liquor License for XETE LLC DBA Outlaw Grille located at 255 N SR 89A, Sedona, AZ (License #12033445).

**MOTION**

**I move to:** recommend approval of new Series 12 Restaurant Liquor License for XETE LLC DBA Outlaw Grille located at 255 N SR 89A, Sedona, AZ (License #12033445).





**CITY COUNCIL  
AGENDA BILL**

**AB 2296  
December 12, 2017  
Consent Items**

**Agenda Item:** 3f  
**Proposed Action & Subject:** Approval of an Extension of Premises for Sedona Divine Olive Oils located at 270 N. State Route 89A, #5, Sedona, AZ (License #10033232).

<b>Department</b>	City Clerk
<b>Time to Present</b>	N/A
<b>Total Time for Item</b>	
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	Permit Application is available for review in the City Clerk's office.

City Attorney Approval	Reviewed 12/4/17 RLP	<b>Expenditure Required</b>
		\$ 0
City Manager's Recommendation	Approve an Extension of Premises/Patio Permit for Sedona Divine Olive Oils.	<b>Amount Budgeted</b>
		\$ 0
		Account No. N/A (Description)
		Finance <input checked="" type="checkbox"/> Approval

**SUMMARY STATEMENT**

**Background:** State liquor laws require Sedona's City Council to forward a recommendation for approval or denial of applications for liquor licenses.

Sedona Divine Olive Oils has submitted an application for an Extension of Premises/Patio permit applicable to their Series 10 Beer and Wine Store Liquor License (License #10033232). Sedona Divine Olive Oils is located at 270 N. State Route 89A, #5, Sedona, AZ. Sedona Divine Olive Oils would like to expand into a recently vacated space adjoining their existing licensed premises. In order for this additional space to be included in the approved Series 10 Liquor License, the Sedona Divine Olive Oils is required to submit and receive a recommendation for an Extension of Premises/Patio permit from the local authority. City Council is being asked to forward a recommendation for approval or denial for this application.

A Series 10 Beer and Wine Store is a non-transferable, off-sale retail privileges liquor license that allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed

premises in connection with a retail sale. Payment must be made no later than the time of delivery.

Community Development, Finance, the Sedona Police Department (SPD), and Sedona Fire District (SFD) have conducted a review of the application and no objections were noted.

**Community Plan Consistent:** Yes - No - Not Applicable

**Board/Commission Recommendation:** Applicable - Not Applicable

**Alternative(s):** Do not recommend approval of an Extension of Premises/Patio Permit for Sedona Divine Olive Oils located at 270 N. State Route 89A, #5, Sedona, AZ (License #10033232).

#### **MOTION**

**I move to:** recommend approval of an Extension of Premises/Patio Permit for Sedona Divine Olive Oils located at 270 N. State Route 89A, #5, Sedona, AZ (License #10033232).



**CITY COUNCIL  
AGENDA BILL**

**AB 2325  
December 12, 2017  
Consent Items**

**Agenda Item:** 3g  
**Proposed Action & Subject:** Approval of a Resolution opposing cuts to federal funding for economic and community development, human services, community action, housing, and infrastructure investment programs.

<b>Department</b>	City Manager's Office
<b>Time to Present</b>	N/A
<b>Total Time for Item</b>	
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	A. Proposed Resolution

City Attorney Approval	Reviewed 12/4/17 RLP	<b>Expenditure Required</b>
		\$ 0
City Manager's Recommendation	Approve resolution opposing cuts to federal funding.	<b>Amount Budgeted</b>
		\$ 0
		Account No. N/A (Description)
		Finance <input checked="" type="checkbox"/> Approval

**SUMMARY STATEMENT**

**Background:** The Northern Arizona Council of Governments (NACOG) administers numerous programs on behalf of the City, Sedona residents, and non-profit agencies. NACOG utilizes numerous sources of federal dollars to support these programs. The budget proposed by the President's Administration includes elimination or reduction of funding for NACOG administered programs, which will adversely affect delivery of important economic and community development, human services, community action, housing, and infrastructure investment programs.

The NACOG Regional Council has adopted a resolution opposing these budget cuts and asked member governments to do the same. This topic was discussed at a recent Intergovernmental Meeting with Council and county representatives from the Verde Valley.

**Community Plan Consistent:** Yes - No - Not Applicable

**Board/Commission Recommendation:** Applicable - Not Applicable

**Alternative(s):** Do not recommend approval of a resultion.

**MOTION**

**I move to:** adopt Resolution 2017-\_\_ opposing cuts to federal funding for economic and community development, human services, community action, housing, and infrastructure investment programs.

**RESOLUTION NO. 2017-\_\_**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, STATING CONCERN REGARDING THE ADMINISTRATION'S RECENT BUDGET PROPOSAL REQUESTING DEEP CUTS TO FEDERAL FUNDING IN FY2018 AND THE ELIMINATION OF AGENCIES AND PROGRAMS CRITICAL TO DISTRESSED COMMUNITIES AND VULNERABLE POPULATIONS IN SEDONA AND THROUGHOUT NORTHERN ARIZONA.**

WHEREAS, Sedona residents are provided direct and indirect services by Northern Arizona Council of Governments, which is a designated Economic Development District, designated Area Agency on Aging, designated Community Action Agency, and northern Arizona's Head Start grantee; and

WHEREAS, the Northern Arizona Council of Governments has successfully and effectively administered federal, state and local grants in partnership with Sedona and other local governments, non-profit organizations and local business to leverage service delivery and limited program resources; and

WHEREAS, these programs directly impact the quality of life to residents in Sedona through improved housing conditions, senior citizens services, preschool education services, community infrastructure investment, job training services, and direct assistance to vulnerable households to maintain daily living needs; and

WHEREAS, the Administration proposes to eliminate federal funding for fiscal year 2018 in, specifically including:

- U.S. Department of Commerce Economic Development Administration (EDA)
- U.S. Department of Agriculture (USDA) Rural Business-Cooperative Service
- U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program
- U.S. Department of Health & Human Services Community Services Block Grant (CSBG) and Low Income Home Energy Assistance Program (LIHEAP)
- U.S. Department of Labor Senior Community Service Employment Program (SCSEP)
- U.S. Department of Energy Weatherization Assistance Program; and

WHEREAS, the Administration proposes to reduce federal funding for fiscal year 2018 for other programs, including:

- U.S. Department of Labor Workforce Investment and Opportunities Act Programs
- U.S. Department of Health and Human Services Older Americans Act Programs
- U.S. Department of Health and Human Services Head Start Programs; and

WHEREAS, implementation of the Administration's proposed program

eliminations and budget reductions will result in a significant reduction of proven federal support for local and regional economic and community development, human services, community action, housing, and infrastructure investment programs.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA THAT:

The City of Sedona opposes the proposed reduction and elimination of federal funds for programs aforementioned as requested in the Administration's FY2018 budget proposal.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 12th day of December, 2017.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney



**CITY COUNCIL  
AGENDA BILL**

**AB 2319  
December 12, 2017  
Regular Business**

**Agenda Item: 8a**

**Proposed Action & Subject:** Public hearing/discussion/possible action regarding a request for approval of a Zone Change from C-2 (General Commercial) to RM-3 (High Density Multifamily Residential) and Development Agreement to allow for the development of a 45 unit apartment complex. The property is located at 3285 W State Route 89A, at the southeastern corner of the intersection of W State Route 89A and Pinon Drive. APN: 408-11-086A Applicant: Keith Holben, MK Company, Inc. Case Number: PZ17-00009 (ZC, DA).

<b>Department</b>	Community Development
<b>Time to Present</b>	15 Minutes
<b>Total Time for Item</b>	2 Hours
<b>Other Council Meetings</b>	October 11, 2017 (Major Community Plan Amendment Work Session) October 25, 2017 (Major Community Plan Amendment Public Hearing)
<b>Exhibits</b>	A. Staff Report, Planning and Zoning Commission, November 7, 2017 B. Community Plan Checklist C. Public Comments D. Summary Minutes; Planning and Zoning Commission Public Hearing – November 7, 2017 E. Development Agreement F. Recommended Conditions of Approval G. Resolution (Zone Change) H. Ordinance (Zone Change) I. Resolution (Development Agreement)

City Attorney Approval	Reviewed 12/4/17 RLP	<b>Expenditure Required</b>	\$ 0
City Manager's Recommendation	Approve zone change from C-2 to RM3 for 3285 W. SR 89A.	<b>Amount Budgeted</b>	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

This is a public hearing for a proposal to rezone the parcel at 3285 W State Route 89A (APN 408-11-086A) from General Commercial (C-2) to High Density Multifamily Residential (RM-3) and a Development Agreement to allow for the construction of a 45-unit apartment complex. This application follows a Major Community Plan Amendment that re-designated the subject parcel from Commercial, within the Lodging Area Limits, to Multi-family High Density, outside of the Lodging Area Limits. The City Council held a work session on the Major Community Plan Amendment application on October 11, 2017 and unanimously approved the proposed amendment on October 25, 2017.

After City Council approved the Major Community Plan Amendment, the Planning and Zoning Commission held a public hearing regarding the zone change and development review components of this application on November 7, 2017. During that meeting, the Commission recommended approval of the zone change and approved the development review. Both actions of the Commission were by unanimous approval (7-0).

**Background:**

The following is a summary of the proposal; for more detailed information about the proposal and staff's analysis, please see the Planning and Zoning Commission's November 7, 2017, Staff Report provided in Exhibit A. Public comments are included in Exhibit C and the Planning and Zoning Commission's November 7, 2017, minutes are provided in Exhibit D.

All application materials and meeting materials, including those related to the Major Community Plan Amendment, can be accessed through the project page on the City's website by following this link:

<http://www.sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/pinon-89a-multifamily-plan-amendment-proposal>.

The property is located in West Sedona at the corner of State Route 89A and Pinon Drive. It is currently vacant, approximately 2.25 acres in size, zoned General Commercial (C-2), and designated Multi-family High Density on the Future Land Use Map.

The applicant is seeking approvals to allow for the construction of a 45-unit apartment complex. The applicant first met with City Staff in early 2017 to discuss the potential of developing the site as an apartment complex, including the approvals that would be needed to facilitate the proposed development. The Major Community Plan Amendment was approved by City Council on October 25, 2017, the Zone Change was recommended for approval by the Planning and Zoning Commission on November 7, 2017, and the Development Review was approved by the Planning and Zoning Commission on November 7, 2017. In addition to these approvals, the applicant is also proposing a Development Agreement as a way to memorialize the proposed strategies to address local housing needs, as outlined by the Community Plan designation.

*Zone Change Proposal*

The proposed zone change would rezone the property from General Commercial (C-2) to High Density Multifamily Residential (RM-3). This would be in line with the Community Plan designation of High Density Multi-family Residential as approved by the City Council in October.

*Need for a Zone Change*

The property is currently zoned General Commercial (C-2). Although the City's C-2 zoning district allows for multifamily residential uses, they must be in conjunction with commercial uses (LDC 621.02.A.69) and residential portions of a site are limited in lot coverage (LDC



621.04.C). Therefore, the proposed apartment complex would not be permitted under the existing C-2 use and development standards.

### **Evaluation of Proposal (Zone Change)**

The following is a summary of Staff's evaluation of the zone change request. The complete evaluation is included in the Planning and Zoning Commission Staff Report (Exhibit A).

When considering this Zone Change request, Staff evaluated the proposal based on the following:

- The Community's Vision
- Dry Creek Community Focus Area Community Expectations
- Multi-family High Density Land Use Designation
- Overall consistency with the Community Plan.

#### *The Community's Vision*

The Sedona Community Plan Vision states that:

"Sedona is a community that...

- *"nurtures connections between people,*
  - The proposal includes common areas in which residents can connect and adds a type of housing that is in short supply in the City, allowing people to live in the community who might not otherwise be able to and to make connections with current residents.
- *"encourages healthy and active lifestyles, and*
  - The location of the apartment complex allows for residents to walk and/or bike to nearby restaurants, stores, businesses, trailheads, schools, banks, and public services.
- *"supports a diverse and prosperous economy,*
  - Local business owners have stated that, in order for their businesses to be able to attract and retain employees, housing options such as this proposal are needed.
- *"with priority given to the protection of the environment."*
  - This proposal would allow employees to live closer to their workplace, reducing the need for vehicle trips. Allowing higher density residential development in appropriate areas allows for better utilization of the property, potentially reducing the need to explore other development options, such as developing in less desirable or environmentally sensitive areas.

#### *Dry Creek Community Focus Area*

The property is located within the Dry Creek CFA in the Sedona Community Plan. As the City has not yet adopted a CFA Plan for this area, the Community Expectations for the Dry Creek CFA area (Community Plan, page 39) will be used in the evaluation of this request. These include the following:

- *"Provide mixed uses and a more walkable environment that build on the variety of civic, social, service, and visitor oriented uses already in place."*

- This project would complement the already diverse mix of land uses within the CFA.
- *“Provide buffering and land use alternatives as transitions between more intensive commercial and residential uses and adjacent single-family neighborhoods.”*
  - A land use transition would be created where one currently does not exist, as the land uses in this area transition directly from commercial to single-family residential.
- *“Preserve natural open space along SR 89A.”*
  - This Community Expectation is more applicable for the properties further west, where natural vegetation has been preserved along State Route 89A.
- *“Focus on the general needs discussed for the West Sedona Corridor.”*
  - The general needs for the West Sedona Corridor (Community Plan, page 36) that this project address include the following:
    - Creation of incentives and priorities for development and re-development that achieves a broad range of land uses.
    - Identification of locations for desired land uses.

#### *Multi-family High Density Land Use Designation*

The property is designated Multi-family High Density on the Future Land Use Map. This designation includes the following criteria to be used when evaluating proposed projects:

*“High density Multi-family projects may exceed densities of 12 DU/AC on a case-by-case basis through consideration of strategies for achieving housing diversity, affordability, and availability to address local housing needs.”*

While the project achieves the goal of providing more housing diversity, because the proposal provides for market rate rentals, the applicant is proposing entering into a Development Agreement with the City of Sedona to address the criteria of the high density designation. This Development Agreement proposes the following items:

1. Restriction of subdivision (condominium conversion) for a minimum of 30 years.
  - a. Will ensure that the apartments remain as rental units for a minimum of 30 years.
2. Minimum initial lease length of 90 days.
  - a. Will protect against short term and nightly rentals.
  - b. Provides housing options for workers who come to Sedona for a shorter timeframe.
3. Prohibits subleasing without management approval. Tenant lease agreement provides language in the sublease section that will prohibit short term rentals.
  - a. Will ensure the units are not used as short term or nightly rentals.
4. Priority will be given for 25 of the 45 units to tenants that are employed locally or have a verifiable offer and acceptance of employment locally.
  - a. Address the need for work force housing by giving priority for more than half of the units to the local workforce.

5. Priority will be given for 12 of the units to prospective tenants who earn less than the AMI (Area Median Income).

#### *Overall consistency with the Community Plan*

Staff also evaluated the proposal for overall consistency with the Community Plan. The Community Plan Checklist (Exhibit B) provides a full evaluation of the proposal in relation to applicable Community Plan goals, policies, and CFA Expectations.

In response to concerns raised about densities greater than 12 units per acre conflicting with the Community Plan's growth policy, Staff analyzed this project in relation to that policy.

#### *Growth Policy*

Page 25 of the Sedona Community Plan's Chapter 3 – Land Use, Housing and Growth, states that Sedona is committed to growing only within its current limits. Land Use Policy #1 (page 53) of the Community Plan states: "Approve new housing units only if within the City's current overall limit on the total number of homes that can be built under current zoning." Some form of this policy has been in place in the Sedona Community Plan since 1998.

The Community Plan is a general plan and this policy is intended to address the buildout of the City within its overall capacity for growth when all of the residentially-zoned land is occupied. Based on current zoning, the City's residential lands are currently 74-76% built out and residential lands have been historically under-utilized with regard to allowable density. Since 1998 and the adoption of the growth policy, new residential projects have collectively built approximately 200 less dwelling units than what has been allowed by zoning. Further, prior to 1998, projects collectively built approximately 500 less units than would have been allowed by zoning.

Examples of larger projects that developed below allowed densities include:

- Foothills South Unit 3 (2003): 20 acres that were originally zoned for multi-family development were re-zoned to single-family, yielding a decrease of 215 potential residential units.
- Casa Contenta (1994): Developed with 111 units less than the zoning would have allowed.
- Back-o-Beyond Ranch (1996): Developed with 240 units less than the zoning would have allowed.

Examples of smaller projects that developed below allowed densities include:

- Eagle Rock (2004): Developed with 11 units less than the zoning allowed.
- CVS Pharmacy (2015): Replaced 12 potential residential units with a parking lot for the adjacent commercial building and open space.
- Thunder Mountain Unit 1 Amended (2002): A portion of this subdivision was replatted at 29 units less than the original approval.
- Uptown Parking Lot (2000): The parking lot replaced 24 potential residential units.

There have been other projects that were re-zoned to allow more residential units than the original zoning, but collectively, development in the City has always resulted in less residential units than what was allowed by zoning.

In conclusion, given that development in Sedona has not historically grown beyond the limits set by the existing zoning, the addition of 45 dwelling units provided by this project is not contrary to Land Use Policy #1 in the Community Plan.

### **Additional Review Criteria**

#### *Traffic Report Review (prepared by Public Works Department)*

Public Works staff has completed their review of the traffic study, submitted on November 8, 2017 by Lee Engineering. Developments on Pinon Drive face many concerns, and staff has ensured outstanding concerns have been addressed. Please see the following main issues, and their solutions.

1. **Concern:** How much will the traffic volume increase on Pinon Drive?

**Analysis:** The traffic study has projected traffic increases in accordance with the Institute of Transportation Engineers (ITE) trip generation standards. The proposed development is expected to result in approximately 300 daily trips and a total of 30 peak hour trips.

**Result:** Per the City Code Chapter 14, ADOT requirements, and the Manual on Uniform Traffic Control Devices, further analysis and traffic mitigation is not warranted based on the minimal traffic impact. City staff has reviewed multiple iterations of the traffic study. While the study was not required to be more than a Trip Generation Letter, in conjunction with staff comments and concerns, the developer generated a more thorough traffic study to ensure this development would not cause a significant negative impact to the operation of Pinon Drive.

2. **Concern:** How is the intersection at Pinon and SR89A impacted?

**Analysis:** With the projected traffic volumes due to the development, worst case scenario congestion at the intersection of Pinon and SR89A will increase by 10 seconds during the AM peak hour, and by 8 seconds in the PM peak hour.

**Result:** The anticipated congestion impact to the intersection is minor, and the intersection will continue to operate with an acceptable Level of Service (LOS). Level of Service is the measurement of quality of traffic service. No additional traffic controls are warranted.

3. **Concern:** Based on the driveway's location, are there sight distance issues?

**Analysis:** The site driveway has been located in an area where the sight distance is maximized. Sight distances were analyzed in the traffic study for both the 15 MPH (posted advisory speed) and 25 MPH speeds on Pinon Drive. The study results state that the 15 MPH sight distance requirements of 170' per AASHTO (American Association of State Highway and Transportation Officials) standards have been exceeded. The study also stated site distance equal to the 25 MPH speeds may be achievable with tree trimming.

Public Works staff has field verified what sight distances are available. Staff has also completed minor tree and foliage trimming in the Right-of-Way. A measured sight distance of 323' from the proposed driveway location is currently available. This value exceeds the 15 MPH, 20 MPH, and 25 MPH sight distance requirements. Stopping sight distances, per AASHTO at 25 MPH is required to be a minimum of 155', which is also exceeded.

**Result:** Available sight distance exceeds the required sight distance at the posted 15 MPH by 153' and exceeds the required sight distance for 25 MPH by 43'. The City Engineer has determined the proposed sight distances and driveway location are acceptable and will allow for safe vehicle operation on Pinon Drive. See the photos below, depicting the 323' sight distance. To further improve visibility, additional tree trimming can be done.



*Caption: Image 1 taken at the roadway curve on Pinon Drive facing north towards SR89A.*



*Caption: Image 2 taken at the roadway curve on Pinon Drive facing south towards Juniper Knolls. Clear visibility through both curves.*

4. **Concern:** Why is the existing driveway on SR89A proposed to be closed?

**Analysis:** There is one (1) existing driveway on site that is accessed via SR89A. The developer proposes to close this driveway. It is a benefit to the city's traffic operation to

consolidate driveway entrances on SR89A, by reducing turning movement conflicts, and improving traffic flow efficiency.

**Result:** The City Engineer has determined the closure of the SR89A driveway on the proposed development site will improve safety, reduce turning conflicts, and improve general traffic flow.

5. **Concern:** What if the development is under parked, and residents or guests start parking on Pinon Drive?

**Analysis:** While there are no 'No Parking' signs on Pinon Drive, a road width must be maintained at no less than 20'. The majority of Pinon Drive roadway varies in width of 18-20 feet. Therefore, parking on Pinon Drive pavement is not lawful.

**Result:** Parking on Pinon Drive pavement is unlikely to occur, and would result in a parking ticket as the road width cannot be reduced below 20'.

### *Parking*

Originally, the applicant requested a reduction in the parking requirements from 80 to 70 parking spaces. The applicant's request was based on market research, parking requirements of other Arizona cities, the proximity to local businesses and employers, provision of bicycle parking and storage, and the City's overall goal of not disturbing more land than necessary to address parking needs. Based on the information provided by the applicant and Staff's research and evaluation, Staff found that the request met the LDC's requirements for approval of parking reductions and was supportive of the request for reduced parking.

This request raised concerns among several Planning and Zoning Commissioners, who were concerned that 70 spaces would not be sufficient. In response to these concerns, the applicant proposed "ghost parking," which is a common practice in Sedona. Rather than build all parking as required per Code, "ghost parking" designates an area where the additional parking could be accommodated if, at a future date, it is determined to be necessary. This was an acceptable solution to the Planning and Zoning Commission and their recommendation included a provision that the construction of the ghost parking be required if deemed necessary by the city and the property owner in the future.

The applicant has since begun to apply for financing for the project. One of the requirements for securing financing is that there be no stipulations that require future construction of any site improvements. The proposed ghost parking would fall into this category. Therefore, in order to be able to secure financing, the applicant has agreed to build all the parking for the project upfront. Therefore, there is no need for ghost parking or a stipulation in the zoning conditions of approval or the Development Agreement requiring its construction. As a result, Staff has removed this recommended zoning condition of approval. The proposed Development Agreement does not contain any references to ghost parking.

### **Development Agreement**

In order to address the criteria regarding local housing needs for high density multi-family housing as outlined in the Community Plan, the applicant has proposed a Development Agreement. As previously discussed in this agenda bill, the Development Agreement proposes the following:

1. Restriction of subdivision (condominium conversion) for a minimum of 30 years.
2. Minimum initial lease length of 90 days.

3. Prohibition on subleasing without management approval. Subleases will prohibit short term rentals.
4. Priority for 25 of the 45 units will be given to tenants that are employed locally or have a verifiable offer and acceptance of employment locally.
5. Priority for some of the units given to prospective tenants who earn less than the AMI (Area Median Income).

The proposed Development Agreement is included as Exhibit E and has been reviewed by the Community Development Department and the City Attorney for required content and legal form.

### **Findings of Fact**

- The current Future Land Use Designation is Multi-family High Density
- The surrounding properties have Zoning Designations of Commercial, Lodging, Multi-family Residential, and Single-family Residential
- The proposed High Density Multi-family zoning designation is compatible with surrounding zoning designations
- The property is located within the Sedona Community Plan's Dry Creek CFA
- There is no CFA plan for the Dry Creek CFA
- The proposed High Density Multi-family zoning designation addresses the Dry Creek CFA's Community Expectations
- The proposal addresses the Community Plan's strategy for providing more diverse housing options.
- The proposal provides that more than half (25 of 45) units be made available to the local work force.
- The proposal provides that priority for 12 units be given to tenants making 100% or less of AMI.
- The Development Agreement addresses the Community Plan's criteria for High Density Multi-family projects to provide strategies for achieving housing diversity, affordability, and availability to address local housing needs.
- In conclusion, staff believes the request is in compliance with the Dry Creek CFA Community Expectations, and applicable goals and policies as enumerated in the Community Plan and outlined in this Agenda Bill and the Planning and Zoning staff report (Exhibit A), subject to the recommended conditions of approval.

### **Staff Recommendation**

Staff is recommending approval of the proposed zone change and development agreement for reasons outlined in this agenda bill and staff report (Exhibit A).

### **Planning & Zoning Commission**

The Planning and Zoning Commission held one site visit, two work sessions, and one public hearing on the Major Community Plan Amendment/Conceptual Zone Change/Conceptual Development Review and one public hearing on the Zone Change and Development Review. During the public hearing for the zone change and development review the Commissioners discussed the proposal at length. Comments and concerns related to the Community Plan Amendment included the following:

- Concern about the traffic impacts from this project and parking.
- Potential impact on surrounding properties.
- General support for the project.

At the November 7, 2017, public hearing, the Planning and Zoning Commission unanimously moved to forward a recommendation of approval to the City Council regarding the Zone Change and approve the Development Review.

**Community Plan Consistent:** Yes - No - Not Applicable

Staff believes that the proposed zone change is in compliance with applicable Community Plan goals as enumerated in this Agenda Bill, the Planning and Zoning Commission Staff Report, and accompanying background material (Exhibit A).

**Board/Commission Recommendation:** Applicable - Not Applicable

On November 7, 2017, the Planning and Zoning Commission, in a 7-0 vote, unanimously recommended City Council approval of the zone change.

**Alternative(s):** N/A

**MOTION**

**Zone Change Approval:**

**I move to:** approve Resolution No. 2017-\_\_\_, creating a public record entitled “PZ 17-00009 Pinon/89A Apartments, Zoning Map, Legal Description and Conditions of Approval”.

**(After First Reading)**

**I move to:** approve Ordinance No. 2017-\_\_\_ regarding Case Number PZ 17-00009 (ZC), rezoning the property identified herein from its present designation of C-2 (General Commercial) to RM-3 (High Density Multifamily Residential), based on conformance with the requirements for approval of a zone change, consistency and conformance with the Community Plan and subject to all applicable ordinance requirements.

**Zone Change Denial:**

**I move to:** deny Case Number PZ 17-00009 (ZC) based on the following findings (Please specify findings).

**Development Agreement Approval:**

**I move to:** approve Resolution No. 2017-\_\_\_ authorizing the Development Agreement between the City of Sedona and Pinon Lofts, LLC.

**Development Agreement Denial:**

**I move to:** deny the Development Agreement between the City of Sedona and Pinon Lofts, LLC.



**Meeting Date:** November 7, 2017

**Hearing Body:** Planning and Zoning Commission

**Actions Requested:** Consideration of a Zone Change and Development Review Applications

**Staff Recommendation:** Recommendation of Approval of Zone Change, Approval of Development Review

**Location:** 3285 W State Route 89A (No Subdivision)

**Parcel Number:** 408-11-086A

**Owner:** Haven Management and Consulting LLC  
 15200 Rodao Drive; Orland Park, IL 60467-9705

**Applicant/Authorized Agent:** Keith Holben, MK Company, Inc.  
 15010 N 78<sup>th</sup> Way, #109; Scottsdale, AZ 85260

**Project Summary:** Zone Change from C-2 to RM-3 and Development Review to allow for construction of a 45 unit apartment complex

**Site Size:** ± 2.25 acres

**Sedona Community Plan Designation:** Multi-family High Density

**Zoning:** General Commercial (C-2)

**Proposed Zoning:** High Density Multi-family Residential (RM-3)

**Current Land Use:** Vacant

**Surrounding Properties:**

	<b>Subdivision</b>	<b>Community Plan Designation</b>	<b>Zoning</b>	<b>Current Land Use</b>
<b>NORTHWEST</b>	Sedona Gardens Condominiums	Multi-family Medium/High Density	PRD	Townhouses
<b>NORTH</b>	No Subdivision	Commercial/Lodging & Commercial	L & C-2	Lodging, Commercial
<b>EAST</b>	No Subdivision	Commercial	C-2 & L	Restaurant, Lodging
<b>SOUTH</b>	Azul Celeste Estados	Single-family Medium Density Residential	RS-12	Residential
<b>SOUTHWEST</b>	Juniper Knolls	Single-family Medium Density Residential	RS-12	Residential
<b>WEST</b>	No Subdivision	Commercial	C-1	Vacant

**Report Prepared By:** Cari Meyer, Senior Planner

**Attachments:**

1. Vicinity/Aerial Map
2. Applicant Submitted Materials (Updated October 26, 2017)
  - a. Application, Letter of Intent, Legal Description, Survey
  - b. Architectural Plans
  - c. Landscaping Plans, Lighting Plans, Amenities
  - d. Trip Generation Letter (Updated October 10, 2017)
  - e. Grading, Drainage, and Sewer Reports
  - f. Noise Review Letter
3. Staff Evaluation
  - a. Community Plan Checklist
  - b. Development Standards (LDC Article 9) Checklist
  - c. Design Review Manual (LDC Article 10) Checklist
  - d. Staff Response to Planning and Zoning Commission Work Session
4. Staff and Review Agency Comments
  - a. City of Sedona Community Development Department
  - b. City of Sedona Public Works Department
  - c. City of Sedona Economic Development Department
  - d. Arizona Department of Transportation
  - e. UniSource Energy Services
5. Public Comments

Though not included in this packet, packets from previous meetings, including the Planning and Zoning Commission and City Council meetings on the Major Community Plan Amendment, can be reviewed on the project page at the following link:

<http://sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/pinon-89a-multifamily-plan-amendment-proposal>

## **PROJECT SUMMARY**

The applicant is seeking approval of a Zone Change and Development Review to allow for construction of a 45 unit apartment complex.

## **SITE CHARACTERISTICS (EXISTING)**

- The project site is one parcel of approximately 2.25 acres.
- The property is located in Yavapai County.
- The property is currently vacant and is not part of a subdivision.
- There is existing vehicular and pedestrian access to the site from State Route 89A.
- The property is within a City designated floodplain.
- The site has been graded and disturbed in the past, but there is a grouping of juniper trees on the southwestern corner of the site.

## **BACKGROUND**

This property proposed for development has been included in a number of development proposals over the years. Previous proposals have also included the two properties to the west of the site. These proposals include the following:

1. 98 Room Hotel Project (PZ14-00008)
  - Submitted May 2014; withdrawn by the applicant during the conceptual stage of review
2. Mixed Use Project (DEV 2007-6 & SUB 2007-7)
  - Approved in September 2008
  - 43,794 square feet of retail/commercial/office space, 25 residential condominiums, and underground parking.
  - Project was never developed and approvals expired.

Despite the previous applications, the property has remained vacant. The property is approximately 2.25 acres, is zoned C-2 (General Commercial), is designated Multi-family High Density on the Future Land Use Map.

The applicant first met with City Staff in early 2017 to discuss the current proposal, including the various approvals that would be needed to facilitate the proposed development. The following is a timeline of the project to this point:

- May 2017: Applicant submitted an application for consideration of a Major Community Plan Amendment, Conceptual Zone Change, and Conceptual Development Review.
- August 10, 2017: Planning and Zoning Commission Site Visit
- August 15, 2017: Planning and Zoning Commission Work Session
  - Major Community Plan Amendment, Conceptual Zone Change, Conceptual Development Review
- September 14, 2017: Planning and Zoning Commission Work Session
  - Major Community Plan Amendment, Conceptual Zone Change, Conceptual Development Review
- September 19, 2017: Planning and Zoning Commission Public Hearing

- Major Community Plan Amendment: Planning and Zoning Commission recommended approval, 5-0 vote
- Conceptual Zone Change, Conceptual Development Review: Review only; no action
- September 27, 2017: Applicant submitted application for Comprehensive Zone Change and Comprehensive Development Review
  - The applicant submitted the Comprehensive application packet based on the Planning and Zoning Commission’s unanimous recommendation of approval for both the City-initiated amendment and the amendment specific to this property. This submittal was “at risk,” if both Major Community Plan Amendments are not approved by City Council, this application will not move forward.
- October 11, 2017: City Council Work Session
  - Major Community Plan Amendment
- October 17, 2017: Planning and Zoning Commission Work Session
  - Comprehensive Zone Change and Comprehensive Development Review
- October 25, 2017: City Council Public Hearing
  - Major Community Plan Amendment
- November 7, 2017: Planning and Zoning Commission Public Hearing
  - Comprehensive Zone Change and Development Review
  - Pending City Council action on Major Community Plan Amendment
- Future Date TBD: City Council Public Hearing
  - Comprehensive Zone Change

## **PUBLIC INPUT**

- The proposal documents were placed on the Projects and Proposals page of the Community Development Department website ([www.sedonaaz.gov/projects](http://www.sedonaaz.gov/projects)).
- The applicant notified property owners within 300 feet of the subject property and held an open house on May 23, 2017, and is planning on holding a second open house on September 12, 2017.
- The applicant’s Citizen Participation Report is included in the Revised Letter of Intent ([Attachment 2.a](#)).
- This Major Community Plan Amendment portion of the proposal was included in the City-wide notice distributed by the City.
- Required public noticing, including a posting on the property, a mailing to property owners within a 300 foot radius, and a notice in the Red Rock News, was completed for the Planning and Zoning Commission’s September 19 Public Hearing, the City Council’s October 25, 2017 Public Hearing, and the Planning and Zoning Commission’s November 2, 2017 Public Hearing.
- All notices contain contact information or directions on how to submit comments. All public comments received as October 31, 2017, at 12:00 noon are included as [Attachment 5](#).

## **REVIEW AGENCY COMMENTS AND CONCERNS**

The comprehensive Zone Change and Development Review documents were routed to review agencies for comments. Comments on this submittal were received from the following agencies and are included as [Attachment 4](#):

1. City of Sedona Community Development Department
2. City of Sedona Public Works Department
3. City of Sedona Economic Development Department
4. Arizona Department of Transportation

## 5. UniSource Energy Services

### **COMMUNITY PLAN**

The Sedona Community Plan Future Land Use Designation for this property was changed from Commercial, within the Lodging Area Limits, to Multi-family High Density, outside of the Lodging Area Limits, by the Sedona City Council on October 25, 2017. This future land use designation was also established during the October 25 Public Hearing and supports multi-family zoning designations greater than 12 units per acre on a case-by-case basis through consideration of strategies for achieving housing diversity, affordability, and availability, to address local housing needs.

#### *Dry Creek Community Focus Area and Community Plan*

The subject property is located within the Community Plan's Dry Creek CFA. CFAs are identified in the Community Plan (page 34), and are described as:

*A Community Focus Area (CFA) is a location where the City will play a proactive planning role to implement the community's vision. With participation from property owners, neighbors, and stakeholders, the City will develop a Specific Plan, including any necessary rezoning, for adoption by the City Council. These Specific Plans may be adopted to bring properties into closer alignment with community expectations as expressed on the following pages. The specific planning process is intended to maintain flexibility for future creativity and innovation. The "Community Expectations" listed on each CFA page describe future conditions for each area that the Plan will strive to achieve over time. These Community Expectations are not intended as definitive requirements, but to provide guidance for community-level planning efforts.*

As the City has not yet adopted a CFA plan for this area, the Community Expectations for the Dry Creek CFA are one component of the Community Plan that is used for this analysis and will be used in the evaluation of a future Zone Change request. The following are the Community Expectations for this CFA (Community Plan, page 39).

- *Provide mixed uses and a more walkable environment that build on the variety of civic, social, service, and visitor oriented uses already in place.*
- *Provide buffering and land use alternatives as transitions between more intensive commercial and residential uses and adjacent single-family neighborhoods.*
- *Preserve natural open space along SR 89A.*
- *Focus on the general needs discussed for the West Sedona Corridor.*

### **AMENDMENT PROPOSAL**

The applicant is proposing a new apartment complex consisting of 45 apartment units, with a mix of 1 bedroom and 2 bedroom units, in 3 buildings. The site plan also includes a common area with a BBQ and pool and a storage/office building. Parking is provided throughout the site and includes a mix of uncovered, covered, and garage spaces. In order for the apartment complex to be constructed, the following must be approved:

1. *Zone Change (ZC)*, rezoning the property from General Commercial (C-2) to High Density Multi-family Residential (RM-3)
2. *Development Review (DEV)* for a 45 unit apartment complex.

#### *Phasing*

The project is proposed to be developed in a single phase.

### *Access and Traffic*

- Vehicular access to the site is off of Pinon Drive.
- The existing curb cut and driveway off of State Route 89A will be eliminated.
- The Pinon Drive/State Route 89A intersection is not a controlled intersection.
- The applicant has provided a trip generation letter.

### *Pedestrian Traffic and Connectivity*

- There is an existing sidewalk along the northern (State Route 89A) property line.
- The site plan includes a pedestrian connection from the site to the existing sidewalk.

### *Parking*

- The development as proposed requires 80 parking spaces based on Section 912, Table 9-H of the Land Development Code.
- The original site plan shows a total of 70 vehicle parking spaces and 24 bicycle parking spaces.
- The applicant has submitted an alternative site plan showing how an additional 14 parking spaces can be accommodated in the future if it is determined they are needed. This plan, if implemented, would exceed the required parking pursuant to City Code.
- The applicant is requesting a parking reduction from 80 spaces to 68 for the following reasons:
  - The proposal includes 25 1-bedroom units. Based on the size of the 1-bedroom units, the applicant is anticipating a demand of 29 parking spaces for the 1-bedroom units.
  - The proposal includes 20 2-bedroom units. Based on the assumption that some residents of the 2-bedroom units will use the second room as a home office, the applicant is anticipating a demand of 30 spaces for the 2-bedroom units.
  - The parking proposed is consistent with requirements of other Arizona cities, including Phoenix, Tolleson, Chandler, Gilbert, and Glendale.
  - The design and location of the project is intended to increase walkability and bike-ability to nearby businesses and employers.
  - The conceptual site plan includes indoor and outdoor bike storage to further promote a bicycle friendly environment.
  - The reduced parking allows a more environmentally friendly development with less asphalt surfaces and more open space and preserves trees.
- The parking lot is screened from the public right-of-way by landscaping and low walls.

### *Preliminary Grading and Drainage Report and Plan*

- The applicant has provided a preliminary grading and drainage report and plan.
- The site plan shows a retention area at the southeastern corner of the site which can also serve as a resident park.

### *Wastewater Disposal*

- The property has the ability to connect to the City's Wastewater System.
- A sewer analysis has been provided and the Public Works Department has determined that there is sufficient wastewater capacity for this development.

### *Sedona Land Development Code: Article 9 (Development Standards) and Article 10 (Design Review Manual)*

- Staff has conducted a comprehensive review of the plans for conformance with the City's Development Standards and Design Review Manual. Staff's evaluation is included as [Attachment 3.b](#). (Development Standards Checklist) and [Attachment 3.c](#) (Design Review Manual Checklist).

### *Vegetation and Landscaping*

- The applicant has provided a full landscape plan.
- An evaluation of the landscape plan is included in the Development Standards Checklist ([Attachment 3.b](#)).

### *Signage*

- The sign plans show a monument sign at the corner of State Route 89A and Pinon Drive.
- All signage will be reviewed under separate permit for compliance with Article 11, Sign Regulations, of the Sedona Land Development Code

### *Outdoor Lighting*

- An outdoor lighting plan has been submitted.
- Based on the size of the property, a total of 225,000 lumens would be permitted.
- The outdoor lighting plans shows that all fixtures are fully shielded with a total of 63,318 lumens.

### *Mechanical Equipment*

- Mechanical equipment will be screened by parapets or screen walls.
- The dumpster enclosure is shown on the southwest side of the site within a trash enclosure.

### *Utilities*

- The applicant has provided letters of serviceability from all proposed utility companies.

## **PUBLIC COMMENT**

The following is a summary of the comments received by Staff:

- Concern about high density multi-family housing and the impacts it could have on the City.
- Support for projects that increase housing diversity options within the City.

All written comments received by Staff are included as [Attachment 5](#). The applicant has included their Citizen Participation Report, detailing their outreach efforts, in their Revised Letter of Intent, included as [Attachment 2.a](#).

## **PLANNING AND ZONING COMMISSION WORK SESSION**

The Planning and Zoning Commission conducted a site visit to the subject property on August 10, 2017. Work session for the Major Community Plan Amendment, Conceptual Zone Change, and Conceptual Development Review applications were held a work session on August 15, 2017, and September 14, 2017. A public hearing for those components of the application was held on September 19, 2017. At that public hearing, the Commission recommended approval of the Major Community Plan Amendment by a 5-0 vote (Vice Chair Levin and Commissioner Cohen excused).

On October 17, 2017, the Planning and Zoning Commission held a work session on the Comprehensive Zoning and Development Review submittals. Questions and comments raised during this meeting, along with Staff's responses are included in [Attachment 3.d](#).

## **REVIEW GUIDELINES**

The following is requested from the Planning and Zoning Commission at this time:

**ZONE CHANGE**  
**DEVELOPMENT REVIEW**

Recommendation from the Commission to the Council  
Review of Proposal

## **DISCUSSION (ZONE CHANGE)**

The zone change component of this project proposes to rezone the property from General Commercial (C-2) to High Density Multi-family Residential (RM-3).

In considering an application for a Zone Change, the review process is guided by Section 400 (Amendments) of the Land Development Code. Zone Change applications are reviewed for conformance with the Community Plan, CFA Plans, and other adopted plans and policies of the City, if applicable. In accordance with the Land Development Code, Section 400.10, in order to mitigate the negative impact of the applicant's proposed use on citizens and surrounding properties and to assure compatibility with adjacent land uses, the Commission may recommend, and the Council may approve, a rezoning conditioned upon one or more of the following:

1. Development in accordance with a specific schedule for the development of specific improvements or uses for which zoning is requested;
2. Development in accordance with a specific Site Plan or a Site Plan to be subsequently approved under this Code;
3. Modifications in the otherwise applicable floor area ratio, lot coverage, building height, or density;
4. Public dedication of rights-of-way for streets, alleys, public ways, drainage, public utilities and the installation of improvements that are reasonably required by or directly related to the effect of the rezoning;
5. Other conditions reasonably calculated to mitigate the impact of the proposed development.

### **Evaluation Of Proposal (Zone Change)**

When considering this Zone Change request, Staff evaluated the proposal based on the following:

- The Community's Vision
- Dry Creek Community Focus Area Community Expectations
- Multi-family High Density Land Use Designation
- Overall consistency with the Community Plan

#### *The Community's Vision*

The Sedona Community Plan Vision states that:

*Sedona is a community that...*

- *nurtures connections between people,*
  - The proposed apartment complex includes common areas in which residents can connect with each other. In addition, this would add a type of housing that is in short supply in the City, allowing people to live in the community who might not otherwise be able to and to make connections with current residents.
- *encourages healthy and active lifestyles, and*
  - The location of the proposed apartment complex allows for residents to walk and/or bike to nearby restaurants, stores, businesses, trailheads, schools, banks, and public services (City Hall and Sedona Public Library), thus helping to reduce reliance on automobiles and encouraging a healthy and active lifestyle.
- *supports a diverse and prosperous economy,*
  - A number of local business owners have provided comments in support of this proposal. They have stated that, in order for their businesses to be able to attract and retain



employees, housing options such as this proposal are needed. Housing options for employees are essential to the success of our local businesses.

- *with priority given to the protection of the environment.*
  - This proposal would convert commercial property to residential property. Rather than developing the site with a commercial project that would potentially increase the need for housing, rezoning this property would allow for residential construction to address the need for housing. This would allow employees to live closer to their workplace, reducing the need for vehicle trips. In addition, allowing for higher density residential development in appropriate areas allows for better utilization of the property and potentially reducing the need to explore other development options, such as developing in less desirable or environmentally sensitive areas. Further, the proposed reduction in parking helps protect the environment by promoting walkability and bike-ability, helps protect existing mature trees and minimize over parking if not necessary.

#### *Dry Creek Community Focus Area*

The property is located within the Dry Creek CFA in the Sedona Community Plan. CFAs are identified in the Community Plan (page 34), and are described as:

*A Community Focus Area (CFA) is a location where the City will play a proactive planning role to implement the community's vision. With participation from property owners, neighbors, and stakeholders, the City will develop a Specific Plan, including any necessary rezoning, for adoption by the City Council. These Specific Plans may be adopted to bring properties into closer alignment with community expectations as expressed on the following pages. The specific planning process is intended to maintain flexibility for future creativity and innovation. The "Community Expectations" listed on each CFA page describe future conditions for each area that the Plan will strive to achieve over time. These Community Expectations are not intended as definitive requirements, but to provide guidance for community-level planning efforts.*

As the City has not yet adopted a CFA Plan for this area, the Community Expectations for the Dry Creek CFA area (Community Plan, page 39) will be used in the evaluation of this request. These include the following:

- *Provide mixed uses and a more walkable environment that build on the variety of civic, social, service, and visitor oriented uses already in place.*
  - The Dry Creek CFA contains a diverse mix of land uses, including restaurants, general retail, lodging, offices, banks, condominiums, city hall, the library, and single-family residential. However, the closest rental apartments are the Shadowbrook Apartments, just outside of the CFA area to the east. This project would add rental apartments to and compliment the already diverse mix of land uses within the CFA area.
- *Provide buffering and land use alternatives as transitions between more intensive commercial and residential uses and adjacent single-family neighborhoods.*
  - By rezoning this property to multi-family residential, a land use transition would be created where one currently does not exist. Currently, the land uses in this area transition directly from commercial to single-family residential. Approval of this project would result in a land use commonly used in transitioning from commercial to multi-family to single-family.
- *Preserve natural open space along SR 89A.*

- There is no natural open space along SR 89A on this property. This Community Expectation is more applicable for the properties further west, where natural vegetation has been preserved along the State Route 89A frontage.
- *Focus on the general needs discussed for the West Sedona Corridor.*
  - The general needs for the West Sedona Corridor (Community Plan, page 36) that this project address include the following:
    - *Creation of incentives and priorities for development and re-development that achieves a broad range of land uses.*
      - As previously discussed, this project contributes to the broad range of land uses in the Dry Creek CFA.
    - *Identification of locations for desired land uses.*
      - Multi-family land uses are a desired land use. With the Planning and Zoning Commission’s recommendation of approval and the City Council’s approval of a change in the Future Land Use Map, this area has been identified as an area that is appropriate for this type of use.

### *Multi-family High Density Land Use Designation*

The property is designated Multi-family High Density on the Future Land Use Map. This designation includes the following criteria to be used when evaluating proposed projects:

*“High density Multi-family projects may exceed densities of 12 DU/AC on a case-by-case basis through consideration of strategies for achieving housing diversity, affordability, and availability to address local housing needs.”*

While the project is going to be rented at market rates, it will be addressing the criteria of the high-density by entering into a Development Agreement with the City of Sedona. This Development Agreement would include the following items:

1. Restriction of subdivision (condominium conversion) for a minimum of 30 years.
  - *This will ensure that the apartments remain as rental units for a minimum of 30 years.*
2. Minimum initial lease length of 90 days.
  - *Prior to the State’s adopting of SB 1350 (Short term rentals), the City required minimum lease lengths of 30 days for single-family or multi-family residential units and 90 days for accessory dwelling units.*
  - *This provision will protect against short term and nightly rentals, helping to ensure the apartments are available for those looking for a longer term housing option.*
  - *This provision addresses a need for housing for workers who come to Sedona for a shorter time frame. For example, hospitality businesses often bring in outside trainers for 90 days to train employees and contractors working on projects in the City often need a place to house their workers for shorter periods of time during a contract project. In addition, individuals come to the community for conventional and alternative healing are currently lacking housing options. These types of individuals often need housing for 3-6 months, meaning nightly rentals become too expensive and annual leases are too long.*
3. Prohibition on subleasing without management approval. Subleases will prohibit short term rentals.
  - *This will ensure the units are not used as short term or nightly rentals.*
4. Priority for 25 of the 45 units will be given to tenants that are employed locally or have a verifiable offer and acceptance of employment locally.

- *This will give priority for more than half of the units to the local workforce.*
- 5. Priority for some of the units given to prospective tenants who earn 90% or less of the AMI (Area Median Income).
  - *This will further address local housing needs.*

#### *Overall consistency with the Community Plan*

Staff also evaluated the proposal for overall consistency with the Community Plan. The Community Plan Checklist ([Attachment 3.a](#)) provides a full evaluation of the proposal in relation to applicable Community Plan goals, policies, and CFA Expectations.

#### **Findings of Fact**

- The current Future Land Use Designation is Multi-family High Density
- The surrounding properties have Zoning Designations of Commercial, Lodging, Multi-family Residential, and Single-family Residential
- The proposed High Density Multi-family zoning designation is compatible with surrounding zoning designations
- The property is located within the Sedona Community Plan's Dry Creek CFA
- There is no CFA plan for the Dry Creek CFA
- The proposed High Density Multi-family zoning designation addresses the Dry Creek CFA's Community Expectations

In conclusion, staff believes the request is in compliance with the Dry Creek CFA Community Expectations, and applicable goals and policies as enumerated in the Community Plan and outlined in this staff report, subject to the recommended conditions of approval listed at the end of this staff report.

#### **Staff Recommendation**

Staff is recommending approval of the proposed Zone Change based on the following:

1. The proposal is in substantial alignment with the Community Expectations of the Dry Creek CFA. The proposed multi-family apartment use contributes to the mixed use fabric of the Dry Creek CFA and provides a use that is lacking in the area (and the community). The proposal also provides housing diversity and is compatible with the other expectations and needs for the CFA and the West Sedona Corridor.
2. The proposal directly addresses one of the Community Plan's six major outcomes: Housing Diversity. While the Community Plan acknowledges that apartments provide a versatile housing type it also notes that apartments make up 4% of Sedona's housing units compared with the statewide average of 22%. Based on the City's current inventory of apartment units, the potential introduction of 45 units from this project would increase the supply of apartment units within the City by almost 19%.
3. The proposed Development Agreement will ensure that the project meets local housing needs, will not be used for short-term vacation rentals.
4. The proposal is in substantial compliance with applicable Community Plan goals for Land Use, Housing and Growth and Economic Development. The proposal partially complies with other applicable Plan goals (see attached checklist/evaluation).

## **DISCUSSION (DEVELOPMENT REVIEW GUIDELINES)**

*\*\* The following discussion is provided under the assumption that the associated rezoning to RM-3 (High Density Multi-family Residential) is approved. If the rezoning is not approved, the Development Review application would not be applicable.\*\**

In considering an application for Development Review approval, the review process is guided by the following criteria noted in Article 4, (Review Procedures), Section 401.06 of the Land Development Code:

1. The degree to which all of the applicable provisions of this Code and all other ordinances have been complied with.
2. The degree to which the proposed development of buildings, uses or structures conforms to the design standards as set forth by the Design Review Manual.
3. The degree to which the proposed development integrates the proposed built environment into the natural environment with minimal disturbance to view corridors, existing native vegetation and/or established landscaping, the natural topography of the site, natural drainage ways, known wildlife habitats, rock outcrops, and other natural features.
4. The degree to which the proposed development integrates into, and is compatible with, the built form of surrounding properties and existing developments with regard to building height and character, landscaping, signage, building materials, historical structures or features, and pedestrian and vehicular circulation.
5. That the proposed use is in general conformance with applicable goals, objectives and recommendations described in the Community Plan and adopted specific plans.
6. The degree to which proposed vehicular ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and solid waste collection are designed to promote public safety and convenience.
7. The degree to which pedestrian circulation is facilitated both on and off-site through interconnected passages, pathways and plazas, and is designed to promote public safety and convenience.
8. The degree to which the proposed development addresses concerns cited by participating reviewing agencies with jurisdiction in the areas of public health and safety.

### **Evaluation of Proposal (Development Review)**

#### *Finding 1:*

Based on Staff's evaluation of this project, as proposed and conditioned, this project complies with all applicable provisions of the Code (See [Attachment 3.b](#): Development Standards Checklist). As pointed out in the Land Development Code Checklist, the following items are included as conditions of approval to ensure compliance with Article 9 of the Land Development Code:

1. The largest unrelieved building plane on Building 3 shall be reduced to no more than 400 square feet.

#### *Finding 2:*

Based on Staff's evaluation, the development proposal complies with the design standards as set forth by the Design Review Manual (See [Attachment 3.c](#): Design Review Manual Checklist).

#### *Finding 3:*

The site has already been level graded and very little natural or established vegetation exists on-site. The natural mature vegetation that exists in the southwestern corner of the site has been preserved.

The buildings comply with City height requirements and the site sits lower than the existing adjacent residential houses, minimizing any impact on view corridors.

*Finding 4:*

The overall design of the building will fit in with the character and scale of the area. Of the developed lots in the area, there are a number of 2 story structures of a similar design and style as proposed. In addition, the landscaping will be similar to other mature landscaping in the area and the pedestrian and vehicle circulation patterns connect to the existing network.

*Finding 5:*

By meeting the requirements of the Land Development Code and the Design Review Manual, this project is in general conformance with the goals, objectives, and recommendations in the Community Plan.

*Finding 6:*

The proposed parking and access areas comply with code requirements. Staff supports the request to reduced required parking from 80 spaces to 70 spaces as outlined in this staff report and the accompanying Development Standards Checklist ([Attachment 3.b](#)). If it is determined that additional parking is needed, the areas identified on the site plan as “ghost parking” can be constructed. Please see the Development Standards checklist for a further explanation of Staff’s evaluation of the parking reduction request.

*Finding 7:*

Pedestrian connections are shown to tie into the existing sidewalk network in the area. Development of this project will extend the existing sidewalk network south on Pinon Drive.

*Finding 8:*

The application materials have been routed to all applicable reviewing agencies. Comments have either been addressed or are included as recommended conditions of approval.

*Public Comment*

The applicant completed a Citizen Participation Plan and City Staff completed the required public noticing for this project. Through this process the following concerns were raised:

1. Noise: The property owner to the east (Relics Restaurant) has raised concerns regarding the placement of buildings in proximity to his existing outdoor eating areas. In addition, he has raised concerns regarding what he sees as a potential increase in noise complaints against his restaurant due to the proximity of the apartment units to the restaurant. He believes that redesigning the site to move Building 1 further from the outdoor areas will address this concern.
  - Applicant Response: Based on these concerns, the applicant commissioned a noise/sound expert to determine what the impacts due to noise might be. The expert determined that, if the noise at the business is in compliance with the City’s sound ordinance, even in the worst case scenario, the sound levels at the building are within the allowable sound levels permitted by the City Code. Further, the noise levels inside the apartments, even with the windows open, would be considered acceptable to HUD housing sound limits. The recommendation from this expert is to install sound transmission class rated windows in the apartments in Building 1 facing the patio area of Relics.

- Staff's Response: While Staff understands the concerns from the owner of Relics, Staff also accepts the findings from the noise expert, who states in his study that, if the restaurant is in compliance with the City's sound ordinance, the noise levels inside the apartments will be at an acceptable level. Further, based on the distance from which the restaurant owner has received complaints, Staff does not believe that moving the building an additional 20 feet from the patio, as suggested, would have the effect of reducing noise complaints. Staff believes that this is a case of the Citizen Participation Process working in the way it was intended, as the applicant became aware of a potential issue and was given the chance to address it during the design phase of the project. Staff is supportive of the current site plan and building configurations.
2. Traffic: Neighbors from the neighborhood to the south have expressed concerns regarding the safety of the location of the driveway providing access to the project.
- Applicant Response: The applicant has submitted a Trip Generation Letter that evaluated the concerns expressed by the residents. Based on this evaluation, the site as currently designed meets all American Association of State Highway and Transportation Officials (AASHTO) standards. This Letter also states that increased visibility can be provided, but would require removal/trimming of vegetative growth along the road. As this vegetation is on a different private property, the applicant has obtained approval from that property owner to trim and prune the vegetation to increase sight distance.
  - Staff Response: The City's Public Works Staff has reviewed the proposal including the Trip Generation Letter and site conditions and have determined that the site design and traffic solutions, including the additional vegetation trimming, are appropriate and will address the concerns expressed by the neighbors. Staff is supportive of the ingress/egress on Pinion Drive as proposed.

### **Staff Recommendation**

Staff is recommending approval of the proposed Development Review based on compliance with ordinance requirements and satisfaction of the Development Review findings of the Land Development Code.

# Community Plan Checklist

PZ17-00009

Pinon/89A Multi-family

City Of Sedona Community

Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 · [www.sedonaz.gov](http://www.sedonaz.gov)

This checklist includes all of the Community Plan’s goals. If there are directly applicable policies they will be addressed under the relevant goal. Other important elements of the Community Plan which are summarized in the Community Plan Summary (p. vi) include:

- An inclusive goal of the Plan:
  - Sustainability
- Vision Themes:
  - Environmental Stewardship
  - Community Connections
  - Improved Traffic Flow
  - Walkability
  - Economic Diversity
  - Sense of Place
- Major Outcomes:
  - Commitment to Environmental Protection
  - Housing Diversity
  - Community Gathering Places
  - Economic Diversity
  - Reduced Traffic
  - Access to Oak Creek

Project:	PZ 17-00009 (ZC, DEV) Pinon/89A Multi-family	Date Submitted:	June 1, 2017
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Is this project in a CFA?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Name of the CFA:	CFA #3 Dry Creek		
If the project is in a CFA, is there an approved CFA Plan?	<input type="checkbox"/> Yes	If there is an approved CFA Plan, please refer to the attached CFA Checklist.	
	<input checked="" type="checkbox"/> No	If there is no CFA Plan, please address the Community Expectations at the end of this checklist.	

LAND USE, HOUSING, AND GROWTH GOALS		Community Plan, p. 17
1	Grow only within currently established residential and commercial limits.	
	This project is within currently established residential and commercial limits. The following is a relevant policy: <i>Policy 1, p. 53: “Approve new housing units only if within the City’s current overall limit on the total number of homes that can be built under current zoning.”</i> This policy is intended to address the buildout of the City within its overall capacity for growth when all of the residentially zoned land is occupied. Since the City’s residential lands are currently less than 75% built out and residential land has been historically under-utilized, this is not an issue for this project.	
	Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
2	Ensure harmony between the built and natural environments.	
	The site plan includes preservation of existing trees. Very little of the rest of the site is in its natural state.	
	Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	

3	Reflect a unique sense of place in architecture and design.
	<p>The project has been designed to fit into the area.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> Partial      <input type="checkbox"/> No      <input type="checkbox"/> Not Applicable</p>
4	Provide public gathering spaces that promote social interaction.
	<p>The project includes community spaces, including a pool and BBQ area and a small resident park. Residents will be able to use these areas to promote social interaction.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> Partial      <input type="checkbox"/> No      <input type="checkbox"/> Not Applicable</p>
5	Create mixed use, walkable districts.
	<p>Changing the zoning from commercial to multi-family residential will create more of a mix of uses in this area, creating a more walkable district. There are currently 3 parcels in a row that are all commercial, and this would change the center of those three parcels to multi-family residential, thus creating more variety in land use types.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> Partial      <input type="checkbox"/> No      <input type="checkbox"/> Not Applicable</p>
6	Encourage diverse and affordable housing options.
	<p>This proposal is increasing the diversity of housing by developing an apartment complex, of which there are very few in the city.</p> <p>The proposal will provide affordable housing options in several ways:</p> <ul style="list-style-type: none"> <li>○ Providing workforce housing by giving priority for 25 of 45 units set aside for locally employed applicants.</li> <li>○ Ensuring affordable units by: Tenants earning 90% or less of Area Median Income (AMI) will receive first priority for 12 of the 25 units identified provided they meet lease qualification standards and housing costs don't exceed 35% of their income</li> </ul> <p>Housing Diversity is one of the Community Plan's 6 Major Outcomes (p. vi). This proposal will increase the diversity of housing with a new apartment complex.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> Partial      <input type="checkbox"/> No      <input type="checkbox"/> Not Applicable</p>

<b>CIRCULATION GOALS</b>		Community Plan p. 57
1	Reduce dependency on single-occupancy vehicles.	
	<p>The proposal will not directly reduce dependency on single-occupancy vehicles. However, by increasing the opportunity for employees to live in the city, it could help reduce the number of people driving if those employees choose to ride the bus, walk, or bicycle to work.</p> <p>Compliance: <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> Partial      <input type="checkbox"/> No      <input type="checkbox"/> Not Applicable</p>	
2	Provide for safe and smooth flow of traffic.	
	<p>The site plan shows access to the property from Pinon Drive and closure of the curb cut along State Route 89A. This will reduce the number of curb cuts on the highway and thus turning movements, contributing to an improvement in the safe, smooth flow of traffic.</p> <p>Compliance: <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> Partial      <input type="checkbox"/> No      <input type="checkbox"/> Not Applicable</p>	
3	Coordinate land use and transportation planning and systems.	
	<p>Compliance: <input type="checkbox"/> Yes      <input type="checkbox"/> Partial      <input type="checkbox"/> No      <input checked="" type="checkbox"/> Not Applicable</p>	
4	Make the most efficient use of the circulation system for long-term community benefit.	
	<p>Compliance: <input type="checkbox"/> Yes      <input type="checkbox"/> Partial      <input type="checkbox"/> No      <input checked="" type="checkbox"/> Not Applicable</p>	



5	Limit the building of new roads and streets and make strategic investments in other modes of travel.
	Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
6	Create a more walkable and bike-able community.
	This proposal does not directly achieve this goal however, by providing additional housing on the main thoroughfare it could increase the likelihood that the residents will choose to walk, ride a bicycle or take the bus.
Compliance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	

ENVIRONMENT GOALS		Community Plan p. 71
1	Preserve and protect the natural environment.	
	The majority of the site is not in a natural condition except for several small areas with native trees. The site plan shows the preservation of these areas, which include mature juniper trees, in the southwest corner of the site. The City development review process and grading and drainage standards have been put in place to ensure that components such as storm water retention and erosion protection meet ordinance requirements. The rezoning and development review process has evaluated the project in accordance with these standards.	
Compliance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable		
2	Ensure a sufficient supply of quality water for the future.	
Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable		
3	Protect Oak Creek and its riparian habitat.	
Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable		
4	Reduce the impacts of flooding and erosion on the community and environment.	
Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable		
5	Promote environmentally responsible building and design.	
	The building has been designed in an efficient manner and will occupy the previously disturbed areas of the site. In addition, high efficiency fixtures and appliances are planned to be used in the units.	
Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable		

PARKS, RECREATION, AND OPEN SPACE GOALS		Community Plan p. 71
1	Protect and preserve natural open space.	
	See Environment Goal 1 above.	
Compliance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable		
2	Ensure the protection of the environment while providing for responsible outdoor recreation.	
Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable		

3	Provide activities and amenities that allow for community interactions and encourage active and healthy lifestyles.
	The site plan includes a pool and BBQ area and a park/ramada to promote interactions between the residents. In addition, the complex includes bike parking and bike storage, encouraging the use of bicycles, which encourages active and healthy lifestyles.
	Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable

ECONOMIC DEVELOPMENT GOALS		Community Plan p. 89
1	Support locally owned businesses.	
	This proposal supports local businesses by providing additional housing options for the employees of those local businesses. The limited availability of housing has been a challenge for businesses to hire and retain employees who cannot find housing in the city. This proposal will set aside 25 of the 45 units with priority given to the local workforce and those being offered employment by local businesses when filling vacancies.	
	Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
2	Recruit new businesses and organizations representing different business and institutional sectors that diversify Sedona's economic base.	
	Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	
3	Preserve and enhance Sedona's tourist based economic sector.	
	Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	
4	Incorporate an assets-based framework into the City's economic development efforts.	
	Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	
5	Improve the City's transportation, information and communication infrastructure to allow businesses to compete regionally, nationally and globally.	
	Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	

COMMUNITY GOALS		Community Plan p. 97
1	Cultivate an appreciation and respect for Sedona's distinctive community character.	
	Compliance: <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	
2	Ensure that the needs and aspirations of the community now and into the future are met through a variety of cultural activities, opportunities, and facilities.	
	The apartment complex will contribute to the ongoing housing needs of the community, providing housing options other than single-family residential.	
	Compliance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
3	Create increased opportunities for formal and informal social interactions.	
	The common areas will allow for formal and informal social interaction between residents of the complex.	
	Compliance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
4	Enhance opportunities for artistic display, engagement and learning.	

	<i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input checked="" type="checkbox"/> <i>Not Applicable</i>
5	Preserve and celebrate the community's history.
	<i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input checked="" type="checkbox"/> <i>Not Applicable</i>

**CFA COMMUNITY EXPECTATIONS**

**CFA 3 DRY CREEK** Community Plan p. 39

1	<p>Provide mixed uses and a more walkable environment that build on the variety of civic, social, service, and visitor oriented uses already in place.</p> <p>The Dry Creek CFA features a variety of different land uses, including public/semi-public (library, city hall, and charter school), commercial, lodging, office, multi-family, and single-family residential. An apartment complex adds to these established uses with new rental apartments that don't currently exist in this immediate area.</p> <p>In addition to adding to the mix of uses with an additional housing type, the location will take advantage of a walkable environment, giving residents easy access to nearby restaurants, retail, and community uses. The location on SR 89A also provides direct access to the Verde Lynx bus line.</p> <p><i>Compliance:</i>   <input checked="" type="checkbox"/> <i>Yes</i>            <input type="checkbox"/> <i>Partial</i>            <input type="checkbox"/> <i>No</i>            <input type="checkbox"/> <i>Not Applicable</i></p>
2	<p>Provide buffering and land use alternatives as transitions between more intensive commercial and residential uses and adjacent single-family neighborhoods.</p> <p>The multi-family use will be transitional between the lower density residential neighborhood to the south and the commercial and lodging uses on SR 89A. The apartment complex is a more appropriate buffer for the neighborhood than commercial, which is the current zoning. The site plan also provides an open space buffer to the adjacent residential area to the south.</p> <p><i>Compliance:</i>   <input checked="" type="checkbox"/> <i>Yes</i>            <input type="checkbox"/> <i>Partial</i>            <input type="checkbox"/> <i>No</i>            <input type="checkbox"/> <i>Not Applicable</i></p>
3	<p>Preserve natural open space along SR 89A.</p> <p><i>Compliance:</i>   <input type="checkbox"/> <i>Yes</i>            <input type="checkbox"/> <i>Partial</i>            <input type="checkbox"/> <i>No</i>            <input checked="" type="checkbox"/> <i>Not Applicable</i></p>
4	<p>Focus on the general needs discussed for the West Sedona Corridor (see page 36 of the Community Plan)</p> <p>The Community Plan envisions the West Sedona Corridor as a vibrant, walkable place with community-oriented activities, mixed land uses, public gathering spaces, and controlled vehicular highway access. The following are the general needs listed in the Plan.</p> <ul style="list-style-type: none"> <li>• <i>Creation of incentives and priorities for development that achieve a broad range of land uses.</i> The proposal contributes to a broad range of land uses by introducing high density rental housing on the corridor, a use that only comprises 4% of all housing in the community.</li> <li>• <i>Identification of locations for desired land uses.</i> The CFA identifies this as an area for a mix of land uses, and apartments adds to that mix. This is considered a desirable location for apartments because of the location directly on the highway and proximity to a variety of other land uses that also make it a more walkable environment.</li> <li>• <i>Coordination with access control planning and relief of congestion in the corridor.</i> The site plan shows access to the property from Pinon Drive rather than direct access from the highway, closing the existing curb cut onto State Route 89A. This reduces the number of curb cuts on the highway and thus turning movements, contributing to improved safety, better access control, and reduced traffic congestion.</li> <li>• <i>Establishment of consistent design themes or character</i> The project has been designed to complement the existing development in the area.</li> </ul>

- *Safe and convenient access for pedestrians and bicyclists.*

The location along SR 89A, which has bike lanes and sidewalks provides safe and convenient access for pedestrians and bicycles to a variety of destinations, including the bus stop.

- *Creation of strong connections between CFA's, including good pedestrian links.*

Again, the location on SR 89A provides a strong connection to other CFAs on SR 89A, with pedestrian links along and off of the highway.

- *Provision of park and ride or park and walk opportunities.*

The proposal is in close proximity to northbound and southbound transit stops. Both stops are less than 700 feet from the subject property.

- *Identification of key open space needs.*

Not applicable.

- *Identification of aesthetic components.*

The project has been designed in compliance with Sedona's design guidelines and with respect to the existing development in the area.

The Plan recommendations for the West Sedona Corridor also cite the need for diverse housing, including consideration for the allowance of residential densities greater than 12 units per acre with specific plan approval. Although a CFA plan has not yet been completed for this area, the fact that the Plan states that a higher density should be considered indicates support for doing so. The proposed apartment complex will add to the desired mix of land uses in this area, and fulfill a need for a housing type that is in short supply throughout the city.

Compliance:     *Yes*                       *Partial*                       *No*                       *Not Applicable*

**Mike Raber - Affordable housing in Sedona**

---

**From:** Babbie Cameron <babbie.cameron@gmail.com>  
**To:** <MRaber@sedonaaz.gov>  
**Date:** 10/18/2017 2:23 PM  
**Subject:** Affordable housing in Sedona

---

Dear Mr. Raber:

In 2009 my husband Stu and I moved here from western Maine. During the ensuing years I have gotten to know many facets of the Sedona community from people of wealth and power to people who work very, very hard to keep the houses, gardens, personal needs of the affluent sector maintained to their standards. Thanks to my years of weekly volunteering at the Sedona Community Food Bank I also know the sector of Sedona who barely makes ends meet, who occasionally have to live in vehicles or couch surf to find somewhere in this town that is safe to sleep.

I have never in my 73 years lived anywhere where there was effectively no affordable housing. As local rents escalate due, in part, to the advent of Air BnB's in Sedona, it is almost impossible for a family of three or four individuals to live in this town even if their work is here and their children attend local schools. Building affordable units on the plot of land behind Relics would meet a crying need for many citizens of this town who want to live here but cannot afford to do so. Their network of friends and their sense of belonging rests in Sedona while the economic realities force them to live further and further away such as in Lake Montezuma or Rimrock.

It feels like Sedona has become one big tourist destination - hotels, jeeps, ATV's, horrible traffic, expensive food - all for the almighty dollar at the expense of the individuals who need elderly and young family housing, access to public showers, etc. Many of the elderly and the working poor are effectively being forced out of their homes. We all know this. Ask anyone about the changes in Sedona in the past few years. They will tell you. The feelings are negative and not pretty as anyone can read in the Red Rock News.

It is time to take action to level the playing field and build affordable housing in this place we all call home. Maybe then we citizens would see that our City Council cares as much about those vulnerable members of our community as it does about the tourists who crowd our streets and honk at us locals incessantly.

Harriet (Babbie) Cameron  
70 Geronimo Drive  
Sedona, AZ

RECEIVED  
OCT 18 2017  
CITY OF SEDONA  
COMMUNITY DEVELOPMENT

## **A Sewer Master Plan Review**

*"The increase in wastewater flow is to be limited so that flow whether estimated or observed do not exceed the capacity of the plant treatment process, or the effluent management program, or the solids management program.*

*Increases in the estimated flow from a parcel in the sewer area, based on zoning used for the Sewer Master Plan, provide that the sum of these allowances does not exceed 90,000 gallons per day."*

*City of Sedona: Remaining-sewer capacity, page 1 of 1.*

### **Our concerns:**

The City will need to provide all vacant lots with sewer service in the near future. Many property owners have been paying monthly fees for more than ten years. We believe we have a legal contract with the city to have access to connect our properties to the Sewer Plant.

The proposed development case number PZ17-00009 wants more sewer rights than is permitted under the adopted Sewer Master Plan.

Currently, disposal of excess effluent is a problem at the Sedona Sewer Plant. One has only to visually inspect the site. Dead and dying trees, easily seen from the 89A highway on the left as one drives towards Cottonwood, are a clear indication that too much effluent is having a negative affect on our surrounding forest.

Allowing greater density developments by this proposed ammendment that challenge the ratios of wastewater capacity as stated in the present Sewer Master Plan will only create more serious problems in the future for Sedona, its residents and the Sewer Plant.

### **We oppose this ammendment.**

Thank you for your time and consideration.

William and Pamela Gunning  
355 Arroyo Pinon Drive  
Sedona, Arizona 86336  
282-9429



William Gunning served six years on the Sedona Planning and Zoning Commission.

**Mike Raber - Multifamily Housing**

---

**From:** Ed Conway <EConway@sedonarouge.com>  
**To:** "MRaber@sedonaaz.gov" <MRaber@sedonaaz.gov>  
**Date:** 10/13/2017 4:18 PM  
**Subject:** Multifamily Housing

---

Please forward to City Council

Dear City of Sedona:

On behalf of the Sedona Rouge, I would like to express my support of the Pinon/89A Multifamily Housing Project (Project Number PZ17-00009) and other changes to the development code that would allow greater housing density.

Sedona is lacking apartment rentals as many have been transformed into nightly rentals. Sedona has also lost many rental rooms, such as casitas to the "home-sharing" trend. I acknowledge that the need for additional housing must be balanced against the need to prevent over building but it is important that any new condominiums, apartments, accessory units or duplexes are built with some type of deed restriction that prevent conversion to the daily rentals.

We need a community that provides housing options for those who protect us, teach our children, and serve us through the many businesses in Sedona. In our recruiting efforts for hourly and management staff we have experienced candidates that cannot afford to live here and don't follow up with us to even interview.

Sincerely,

Ed Conway

General Manager  
Sedona Rouge Hotel & Spa  
2250 W St Rt 89A, Sedona AZ 86336  
Hotel Direct 928 340 5304  
[www.sedonarouge.com](http://www.sedonarouge.com)  
A member of Luxe Collection by L.E. Hotels



**Mike Raber - Affordable housing in Sedona**

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Sedona, Arizona 86336  
282-9429



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**Mike Raber - Multifamily Housing**

---

**From:** Ed Conway <EConway@sedonarouge.com>  
**To:** "MRaber@sedonaaz.gov" <MRaber@sedonaaz.gov>  
**Date:** 10/13/2017 4:18 PM  
**Subject:** Multifamily Housing

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Sincerely,

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General Manager  
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**Mike Raber - PZ17-00009**

---

**From:** "John Neville" <John@jsedona.net>  
**To:** <mraber@sedonaaz.gov>  
**Date:** 10/10/2017 3:14 PM  
**Subject:** PZ17-00009

---

Mike,

Hope the meeting went well today. Sorry to miss it. I've been receiving emails of concern about higher density housing in Sedona. As a sustainable development issue, higher density housing is usually considered a good idea. Here in Sedona, if we have the water, we should consider higher density housing. That's my opinion.

There is a caveat to that concept in these times of Airbnb. As you know, there is a rental housing shortage, as well as an affordable housing shortage in Sedona. Short-term rentals have exacerbated that problem. Consequently, I would recommend that any variance or amendment to the City Plan to allow for higher density housing include the requirement that short-term rentals are not permitted within the development at any time. Given the ruling by our incompetent and relatively corrupt Legislature to overrule local communities on short-term rentals, despite their negative impacts, it may not be problematic to include conditional use requirements in the City Plan amendment. However, we should try. Otherwise, it is highly likely that within a short period of time, any low-income or affordable housing units will be turned into high-income short-term rentals negating any positive aspects of their development for Sedona.

It's likely others have brought up this issue, and I'm sure you've included it in your discussion of the City Plan amendment. Good luck doing the right thing.

Jawn McKinley & John Neville  
49 Pinon Ct, Sedona, AZ 86336  
928 282 2690  
John@jsedona.net

## Mike Raber - Diverse/Workforce Housing

---

**From:** Vivian Micheli <vmicheli@shradermartinez.com>  
**To:** "MRaber@sedonaaz.gov" <MRaber@sedonaaz.gov>  
**Date:** 10/10/2017 3:21 PM  
**Subject:** Diverse/Workforce Housing

---

Hello,

Please forward this to Council. I agree with the following proposals.

1. A Community Plan amendment to allow up to 20 units per acre on commercial sites (that will include housing), an increase from our current 12 units per acre. With the high cost of land, developers need this bump to make a project work financially.
2. If the amendment passes, there is a proposed new 45 unit apartment complex on the corner of 89A and Pinion Drive, behind Relics, that will be built.

It's a shame that Sedona has not had a new apartment complex in 20 years. We depend on many people who work for our businesses that commute from the Verde Valley.



**Vivian Micheli** | Senior Accounting Analyst  
Shrader & Martinez Construction Inc.  
O 928-282-7554 x 2237 | F 928-852-3722  
[www.shradermartinez.com](http://www.shradermartinez.com)

**Mike Raber - Community Plan amendment - October 25 Vote**

---

**From:** Sharon Needham <sharonneedham1@gmail.com>  
**To:** <MRaber@sedonaaz.gov>  
**Date:** 10/10/2017 2:32 PM  
**Subject:** Community Plan amendment - October 25 Vote

---

Dear Sir,

I've just been informed about the Community Plan amendment, and the subsequent proposal for building a new 45-unit apartment complex at the corner of 89A and Pinion Drive - if the amendment is passed.

I'm a newly divorced woman who relocated from Flagstaff to the Sedona area for the quality of life and the job opportunities available here.

For people such as myself (single income), finding a place to live close to work is extremely important, both financially and emotionally. I currently drive 45 minutes to work. The financial aspects can be daunting, especially if something happens to your vehicle and you don't have an alternate source of transportation available.

I plan to work and retire in this area. The addition of more long-term, permanent rentals would be a blessing for me, and others, I'm sure!

Please approve the two proposals. I would happily be one of the first people to apply for a rental agreement at the new complex.

Thank you for your consideration - and all of the hard work you do to continually improve the quality of life in Sedona.

With best regards,

Sharon Needham

October 5, 2017

**Sedona City Council  
Resident Input  
Case Number PZ17-00009**

**Attention: City of Sedona Council and Community Development Department.**

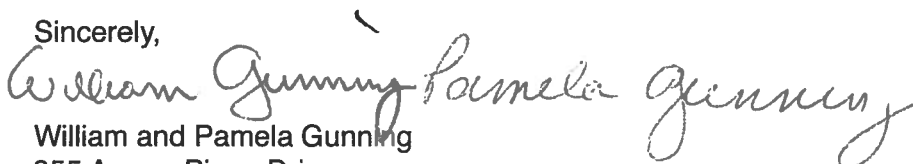
My wife and I are 31 year residents of Sedona.

*We have always supported the principles put forth in the original Community Plan for Sedona and the New Sedona Community Plan approved November, 2013.*

Our concerns:

1. **Historic Sites will be recognized and preserved.** Approved Community Plan - Nov. 2013 page 15. This property has an "early water well" that has been serving our community for more than 75 years. The City's Historic Landmark program protects and celebrates Historic Sites. This property is one of the most important historic sites in our City. It needs our protection from "over development" if it is to continue providing safe drinking water for our community.
2. **Groundwater is found in underground aquifers.** Aquifers are recharged by water seeping into pores and cracks in soil and rocks. This property has many rock channels throughout the property. They aid in the recharge of our community's drinking water. Over the decades I have witnessed many rock channels at or near this site being carelessly infilled. The new Community Plan dated Nov. 2013 has concerns about overdraft of water. **It is projected that demand for water in the Verde watershed will exceed the supply of water by 2050.**
3. **The Community Plan is an expression of the community's vision.**
4. **The Plan, as approved by it's citizens, does not allow for a density greater than 12DU/AC.** The citizens that approved this Plan in 2013 and earlier plans understood that over development of a sensitive site like this property, which has a Historic Well, needs less development. That is why the Plan designated this site 12 Dwelling Units per acre.
5. **Poor road access to and from this property is another concern.** Pinon Drive needs to be "greatly improved" before the City allows any additional traffic on it. I think this road sign demonstrates the real problem.

Sincerely,



William and Pamela Gunning  
355 Arroyo Pinon Drive  
Sedona, Arizona 86336  
tel 928-282-9429







## Mike Raber - Re: Community Plan Amendments

---

**From:** "eddies@npgcable.com" <eddies@npgcable.com>  
**To:** "Mike Raber" <MRaber@sedonaaz.gov>  
**Date:** 10/4/2017 11:57 AM  
**Subject:** Re: Community Plan Amendments  
**Cc:** <JClifton@SedonaAZ.gov>, <AJuhlin@SedonaAZ.gov>, <KOsburn@SedonaAZ.gov>, ...

---

Thank you, Mike, for this notice. Having attended so many meetings over the years when I actually believed public participation might make a difference, I no longer think that's necessarily true.

As for the multi-family proposed project (#3 - W89A & Pinon), since P & Z has approved it there's no reason to believe it won't sail through with City Council as well. Please understand, and for the record, I have no objection to mixed housing and the conceptual need. However, after the failed attempts with Nepenthe and Fairfield (presently Wyndham) and possibly other unfulfilled commitments there's little reason in my opinion to have any confidence that approval of additional affordable or work-force accommodations will not likewise fall through the cracks.

Although in all probability the project in West Sedona will sail through, and apparently without objection from surrounding properties, how much consideration has been given to ingress and, in particular, egress onto the busy 4-lane highway so close to the traffic light at Dry Creek Road?

As for extending the amendment to encompass changing the wording in the Community Plan in general (#2) it seems to be a great injustice to those of us who initially sat in sometimes all-day meetings during the formation of the original plan, where largely emphasis had been placed in avoiding high density and maintaining open space. With limited areas for build-out, disregarding that option especially now appears to be a tremendous injustice to those who actually thought incorporation of Sedona was set in motion to prevent this from happening.

To cut to the chase here, and based on failure of other examples (Nepenthe & Fairfield) that fell through the cracks and reneged to function as initially intended, would it be fair to request amending the entire Community Plan (#2) to please be held off pending the outcome and satisfaction of performance of the proposed Pinon Drive development if so approved? How fair would it be to subject the entirety of

remaining properties in Sedona to future multi-family projects without an actual example of success, which to date is not the case?

As for the #1 Graham to enhance the cider business that has existed in Sedona for as long as I can remember, it makes sense to approve the zone change in order to legitimately accommodate a couple of employees as I understand is the case. It seems an honorable act for the owner(s) of that property to follow the rules. Such as has *not* been the case with the ongoing expansion of Son Silver West, #4 now requesting rezoning for a parking lot for a business that has managed to breach city rules for years and at the expense of compromising the integrity of surrounding neighborhoods. This is another example of non-compliance, as was Nepenthe and Fairfield in a way, because they did not comply with their development agreements. However and of course, the proprietors of Son Silver West simply slipped through protocol with off-handed deals throughout the years and managed to avoid following the rules which were set in place to protect the rights of surrounding property owners. That type of disregard to regulation should not be tolerated and if they get away with it a terrible example will be on the books for others to potentially exploit.

Thanks again, Mike, for the opportunity to sound off. Rarely do I follow council meetings any more because my anticipation is that decisions prior to meetings are a foregone conclusion - fait accompli - so why bother. It's too frustrating. Observing public meetings relating to city procurement of garbage hauling service did me in. But for once a different sort of "fate" was on the side of the majority that opposed it simply because the terms of financing the service prevailed for our side. Praise the Lord!

Respectfully submitted,

Eddie Maddock

-----Original Message-----

**From:** [Mike Raber](#)  
**Date:** 10/2/2017 3:09:12 PM  
**To:** [Mike Raber](#)  
**Subject:** Community Plan Amendments

Greetings:

You are receiving this in response to your interest in the proposed Major Amendments to the Sedona Community Plan.

The City of Sedona City Council will hold a work session on Wednesday, October 11, 2017 at 3:00 p.m. and a public hearing on Wednesday, October 25, 2017 at 3:00 p.m. in the City Hall Council Chambers located at 102 Roadrunner Drive, Sedona, AZ, to consider the Plan amendments. Attached is the public notice for the four proposals.

---

Michael Raber, Senior Planner  
City of Sedona  
102 Roadrunner Drive  
Sedona, AZ 86336

928-204-7106  
[mraber@SedonaAZ.gov](mailto:mraber@SedonaAZ.gov)  
Visit: [www.SedonaAZ.gov](http://www.SedonaAZ.gov)  
Be a fan on Facebook: [www.Facebook.com/CityofSedonaAZ](http://www.Facebook.com/CityofSedonaAZ)

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Sedona City Hall is open for business Monday through Thursday from 7 a.m. to 6 p.m. and closed on Fridays. The Municipal Court and Wastewater system maintenance remain on a Monday through Friday, 8 a.m. to 5 p.m. schedule. Police and maintenance services are not impacted.



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**Click Here!**

**From:** Audree Juhlin  
**To:** Cari Meyer; Mike Raber  
**Date:** 9/5/2017 11:37 AM  
**Subject:** Fwd: Fwd:

Audree Juhlin, Director  
Community Development Department  
(928) 204-7107

>>> Michael Raney <mike@otesports.com> 9/5/2017 11:24 AM >>>

To Whom It May Concern,

I am writing today in support of higher density zoning and the Pinion Apartment complex . Sedona is facing a unique challenge right now in terms of how the community will look in the near future. Prices are going up and the people that live here are moving out. It is harder and harder for people to make a living in town and be able to rent or purchase a home. This is making it impossible to attract new talented people to the area and retain the flavor that makes sedona what it is.

What am I talking about?

The median household income for Sedona according to the last census in 2015 for Sedona is \$55,135 per year. Meaning that half of the households make more and half make less than \$55,135. That also is a combined income of the house. If this median wage earner pays 25% of their income to rent then they need to be renting a place for \$1,149 per month. What do you get in Sedona for \$1149 per month?

Sedona Elite Properties as on 8/31/2017 has one 2bdr apartment in the Village Of Oak Creek that is under \$1149

Foothills Property Management has three 1bdr apartments starting at \$900 and going to \$1150

Sedona Properties has no rentals under \$1300 per month.

So in this example half of all the households in Sedona either have to rent 1bdr apartments for their whole family or move out. We are not talking about min wage earners here who make \$10 per hour or \$20,800 per year, we are not talking about the lowest earners we are talking about the bottom half of all households in town. What I am trying to illustrate is that we are not talking about low income housing that brings in crime and problems we are talking about housing that is affordable to our teachers, police, fire, and other professionals that are being priced out of Sedona.

In the last year my business has lost 6 employees due to the higher cost of housing. We also hired another employee that accepted an employment package and then could not find housing within 30 days ultimately giving up and not moving here. Cottonwood is not the solution for housing. While it is cheaper people want to live in Sedona for the same reasons we do. Sedona is never going to be the same price or offer the same things, but there should be an option for a professional hard working person to live here. These people understand that there are compromises to living here and that for the same price as their one bedroom apartment they could rent a much larger house in Cottonwood. We should encourage people to live and work here, quality of life is what will attract the best people for all of the businesses here and what will make our community well rounded and more interesting.

We will lose the flavor of Sedona if everyone moves out. We always want to preserve what Sedona is, but by not investing in the people that live here we are not preserving, we are changing it at the fastest rate possible. This is why I believe that Sedona should take every step to make this a well rounded community and one of these steps is allowing for higher density housing.

Thank you for your consideration,  
Michael Raney

--

Mike Raney

Over The Edge Sedona  
p 928-282-1106

## Mike Raber - City of Sedona: Comments on Plan Amendment Proposal

---

**From:** <donotreply@sedonaaz.gov>  
**To:** <mraber@sedonaaz.gov>, <wcampbell@sedonaaz.gov>  
**Date:** 10/2/2017 3:03 PM  
**Subject:** City of Sedona: Comments on Plan Amendment Proposal

---

A new entry to a form/survey has been submitted.

**Form Name:** Comments on Community Plan Amendment Proposals  
**Date & Time:** 10/02/2017 3:02 p.m.  
**Response #:** 15  
**Submitter ID:** 283  
**IP address:** 73.36.70.60  
**Time to complete:** 4 min. , 4 sec.

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### Survey Details

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Page 1

**We want to hear what you think. Please share your thoughts below. If you have questions about a proposal, please enter your contact information so that we can respond. Please note that all information submitted (including name and addresses) will become part of the public record and will be available for public inspection.**

**1. Proposal Name:**

(o) Pinon/89A Multifamily Plan Amendment Proposal

**2.**

**What are your comments, concerns, ideas, and suggestions about this proposal?**

**Comments:**

I'm writing to support the proposal to grant RM-3 zoning to the property located at 89A and Pinon Drive. It makes logical and reasonable sense to refresh the available housing stock for affordable apartments -- since there is a critical shortage of good housing for local workers. Sedona has advocated affordable housing through the years -- now is the time to allow for it to be built.

**3. Your contact information**

**Name:** Betsy Goltermann  
**Mailing Address:** 326 S. Prospect Ave., Elmhurst IL  
**E-mail:** egoltermann@gmail.com

**4.**

**Would you like to receive notices about this proposal, such as public meeting dates?**

(o) No

Thank you,  
City of Sedona

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**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**



THE HISTORIC RAINBOWS END  
**RELICS**  
RESTAURANT & NIGHTCLUB

September 20, 2017


City of Sedona  
Planning & Zoning Commission  
Case Number: PZ17-00009  
Sedona, AZ 86336

To Whom It May Concern:

We are officially submitting an alternative to the current site plan in connection with the Building Project at 3285 W. State Route 89A—see attached. This proposed site plan offers the following benefits:

- Significantly reduced noise complaints from new residents originating from Relics Restaurant
- Elimination of one curb cut on 89A in front of Relics Restaurant
- Elimination of unsafe blind access to apartment complex off Pinion turning left from on-coming vehicles on Pinion approaching to 89A
- Improved 89A Curb Appeal with all apartment buildings significantly set-back

Sincerely,



Joseph DeSalvo, Owner

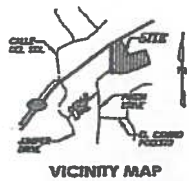
Attachment

RECEIVED  
SEP 20 2017  
CITY OF SEDONA  
COMMUNITY DEVELOPMENT

Relics Patio + Courtyard



PRELIMINARY SITE PLAN  
SCALE 1" = 32'



CURRENT

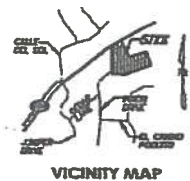
Proposed

9/22/17 Version

Entrance To Relics  
& Apartment Complex



PRELIMINARY SITE PLAN  
SCALE: 1" = 50'



VICINITY MAP

IM architecture

- Relics current curb cut be eliminated
- Relics adjacent road & curb cut be used as combined entrance to Relics and Apartment Complex off 89A
- Relocate 2 of the Apartment Buildings and Storm Water Retention Area

### Benefits

- All Units will have little or no 89A Hwy. Noise
- Significant Buffer for Noise From Relics
- Improved 89A Curb Appeal with All Units Set-Back
- Problem access off Union is eliminated

Would require that the City Waive the Storm Water Retention Requirement OR Require Builder Install Underpavement Retention System

**Mike Raber - Fwd: Pinon Multi-family Community Plan Amendment 9.19.17**

---

**From:** Audree Juhlin  
**To:** Mike Raber  
**Date:** 9/19/2017 11:00 AM  
**Subject:** Fwd: Pinon Multi-family Community Plan Amendment 9.19.17

---

Audree Juhlin, Director  
Community Development Department  
(928) 204-7107

>>> Gerald Gibbon <geraldgibbon15@gmail.com> 9/19/2017 10:25 AM >>>

**Dear Audree and Warren;**

**My name is Gerald Gibbon and I have been a resident of Sedona since 1998. My home address is 100 Linx Drive, Sedona. I am hopeful to attend the P & Z meeting tonight however I am caring for my father who is recovering from a serious medical issue and may not be able to attend. If you could please read the following into the record tonight for the benefit of the Planning Commission and Public I would be grateful.**

**I am support of the Pinon Multi-family Community Plan Amendment. Our community is much in need of rental housing. It is a real benefit to eliminate the existing C-2 commercial zoning and replacing it will RM-3 for rental apartments. The existing commercial use will certainly generate much more traffic than the proposed land use of high density residential use. Anytime we can reduce the potential for traffic in our community that is a measurable and substantial benefit to every resident and business alike. We need housing for the people that serve our very existence as Sedona residents, teachers, first responders, health care workers, governmental workers, grocery store employees, just to name a few. This is the communities' opportunity to get some greatly needed quality rental housing so I urge your support for this the Community Plan amendment and rezoning. Thank you,**

**Gerald Gibbon.**

--

**Gerald Gibbon**  
**928.300.3568 Phone/Text**  
**888.381.3653 E-Fax**

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## Mike Raber - City of Sedona: Comments on Plan Amendment Proposal

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**From:** <donotreply@sedonaaz.gov>  
**To:** <mraber@sedonaaz.gov>, <wcampbell@sedonaaz.gov>  
**Date:** 9/19/2017 10:21 AM  
**Subject:** City of Sedona: Comments on Plan Amendment Proposal

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A new entry to a form/survey has been submitted.

**Form Name:** Comments on Community Plan Amendment Proposals  
**Date & Time:** 09/19/2017 10:21 a.m.  
**Response #:** 13  
**Submitter ID:** 272  
**IP address:** 24.121.24.69  
**Time to complete:** 3 min. , 12 sec.

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### Survey Details

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Page 1

**We want to hear what you think. Please share your thoughts below. If you have questions about a proposal, please enter your contact information so that we can respond. Please note that all information submitted (including name and addresses) will become part of the public record and will be available for public inspection.**

**1. Proposal Name:**

Pinon/89A Multifamily Plan Amendment Proposal

**2.**

**What are your comments, concerns, ideas, and suggestions about this proposal?**

**Comments:**

good site plan and design,very much needed in the community, good location

**3. Your contact information**

**Name:** Rob Schzbatka  
**Mailing Address:** po box426 sedona 86339  
**E-mail:** rob@sedonaproperty.net

**4.**

**Would you like to receive notices about this proposal, such as public meeting dates?**

Yes

5:59 p.m. Monday, May 22, 2017

Hello my name is Ahna Bridenbaugh and I live out at the Sedona Gardens, which is a townhouse complex directly across the street from Relics. So I am very interested in your community plan that you are wanting to put multi-family use units next to Relics, which I approve of highly. I've been very concerned that there would be more commercial type loudness like bars playing music on an outdoor patio which is disturbing when you are trying to sleep at 10:00 o'clock at night. I've had trouble with Relics over the years after I bought my condominium. I very much support your putting in multi-family units instead of commercial. If you need to contact me I'm at 928-300-9970. I am unable to attend your meeting, as I have another commitment. But I just want to give you my support for multi-family instead of commercial property – yea! That makes me very happy. Thank you. My name is Ahna 928-300-9970.

## Keith Holben

---

**From:** Debra S Meyers <debras.meyers@att.net>  
**Sent:** Saturday, May 20, 2017 12:11 PM  
**To:** kh@mkcompany.com  
**Subject:** Sedona MultiFamily Development

Hi Mr. Holben,

Thank you for the two letters about your development. As homeowners in the Del Sol Condos, we have no objection to your plans. In fact would like to see more once you get approval.

Thank you,

Debra & Jim Meyers  
916-768-2613

## Keith Holben

---

**From:** Brearley, Andrew <Andrew.Brearley@azmoves.com>  
**Sent:** Thursday, May 18, 2017 11:58 AM  
**To:** Keith Holben  
**Subject:** Sedona Project.

To whom it may concern,

I am writing in support of the proposed change to The Sedona Community Plan for the multi-family development at the intersection of WSR 89A and Pinon Drive, Sedona. I believe that our city is in urgent need of such housing and that the use blends well with surrounding properties.

Andrew Brearley.  
Branch Manager,  
Coldwell Banker Residential Brokerage.  
195, West State Route 89A,  
Sedona.Az 86336.  
Tel : 928 340 5006. Office direct.  
Tel: 928 300 2973. Cell.  
Email: [andrew.brearley@azmoves.com](mailto:andrew.brearley@azmoves.com)  
Website: [coldwellbankerhomes.com](http://coldwellbankerhomes.com)

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This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.



To Whom It May Concern,

I would like to express my support for the Conceptual Rezoning, Design Review, Community Plan Amendment, creating a higher density zoning plan, and I support the Pinon Apartment complex in West Sedona.

As a Sedona resident, business owner and general manager of Sedona Real Inn for over 20 years, I believe we need more affordable housing in our city. This doesn't mean that we need low income housing, but housing that is affordable for the people that work and want to live in Sedona.

We are falling short with the housing needs in Sedona and the surrounding towns. I believe we have an opportunity to create quality, affordable housing while maintaining the integrity of our city.

Thank you for your time with this important matter.

Sincerely,

Robert H Holeman

**Keith Holben**

---

**From:** Susan Wolick <swolick@havenmngmnt.com>  
**Sent:** Monday, September 11, 2017 6:38 AM  
**To:** kh@mkcompany.com  
**Subject:** Haven Management & Consulting, LLC

To Whom It May Concern,

Haven Management & Consulting, LLC owns the property immediately to the West of the proposed property. We are supportive of the proposed multi-family land use and the Comprehensive Plan Amendment at 89A and Pinon Drive.

Best Regards,

**Susan C. Wolick**  
Office Administrator

Haven Management  
& Consulting, LLC  
15200 Rodao Drive  
Orland Park, IL 60467  
T: (708) 473-1902  
E: [swolick@havenmngmnt.com](mailto:swolick@havenmngmnt.com)

## Keith Holben

---

**From:** Lighting Consultants <lightingconsultants@esedona.net>  
**Sent:** Friday, August 25, 2017 9:39 AM  
**To:** Keith Holben  
**Subject:** Re: Contact information

Keith,  
Just rec'd the file and printed same. This looks like very clean lines and not fussy architectural design.. We do think this project would fit in and be a nice addition to the neighborhood.  
Dick and Mary Young  
75 El Camino Grande

----- Original Message -----

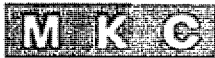
**From:** Keith Holben  
**To:** 'Lighting Consultants'  
**Sent:** Wednesday, August 23, 2017 10:10 AM  
**Subject:** RE: Contact information

Hi Dick-

I just sent it to you via email.

I look forward to your comments/suggestions.

Thank you,



MK COMPANY

M. Keith Holben  
MK Company, Inc.  
15010 N. 78th Way, Suite 109  
Scottsdale, AZ 85260

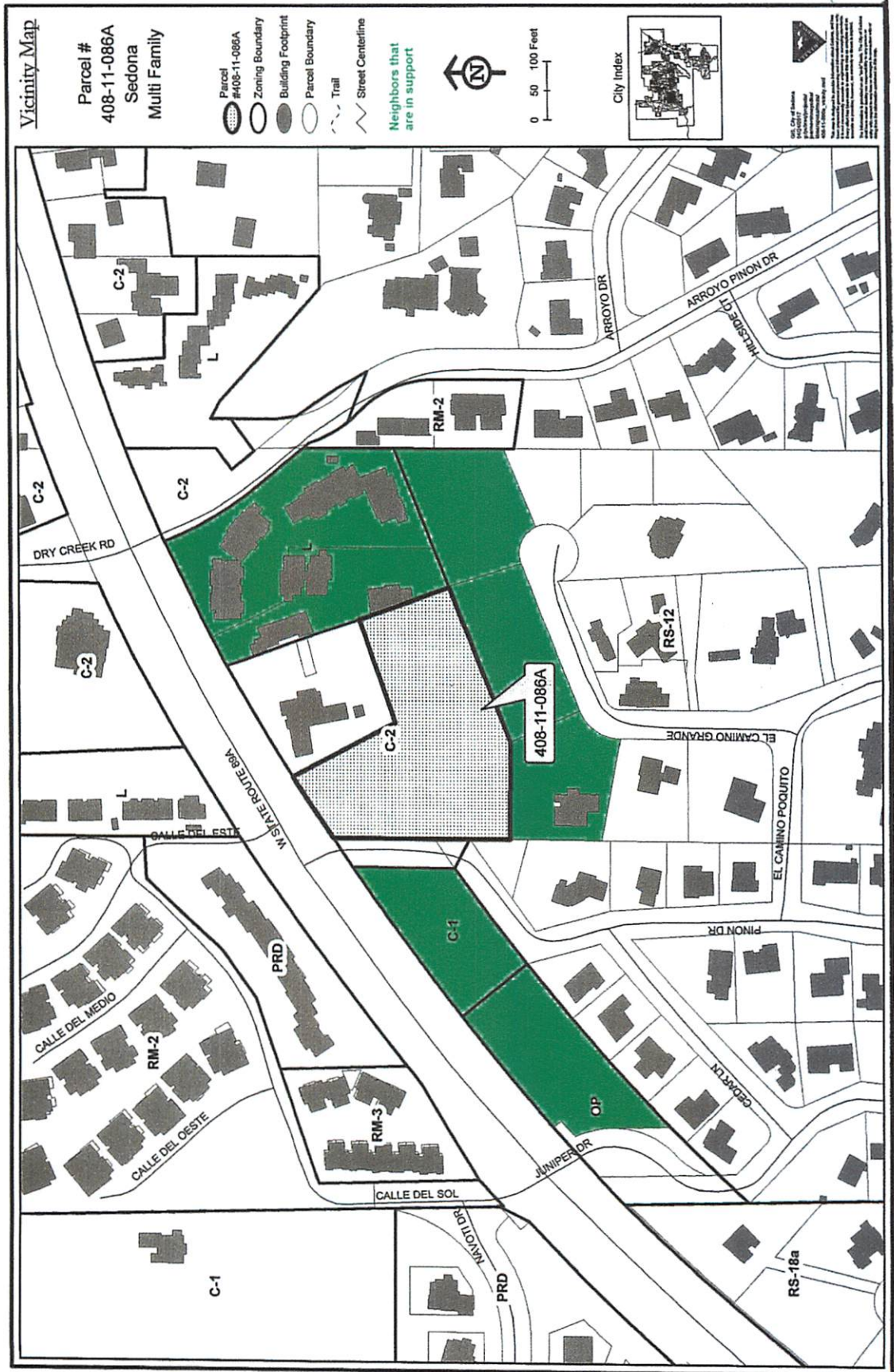
480-998-2803, ext. 11

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**From:** Lighting Consultants [mailto:lightingconsultants@esedona.net]  
**Sent:** Wednesday, August 23, 2017 9:18 AM  
**To:** Keith Holben  
**Subject:** Re: Contact information

Keith,  
If you were to mail the elevation views, we do not receive mail at our street address. We use  
P O Box 4629  
Sedona, AZ 86340  
Thank you  
Dick Young

# Adjacent Neighbor Support



To Whom It May Concern,

I would like to express my support for the Conceptual Rezoning, Design Review, Community Plan Amendment, creating a higher density zoning plan, and I support the Pinon Apartment complex in West Sedona.

As a Sedona resident, business owner and general manager of Sedona Real Inn for over 20 years, I believe we need more affordable housing in our city. This doesn't mean that we need low income housing, but housing that is affordable for the people that work and want to live in Sedona.

We are falling short with the housing needs in Sedona and the surrounding towns. I believe we have an opportunity to create quality, affordable housing while maintaining the integrity of our city.

Thank you for your time with this important matter.

Sincerely,

Robert H Holeman

**From:** Chris <chris@inertiaman.net>  
**To:** <mraber@sedonaaz.gov>  
**Date:** 9/18/2017 8:59 PM  
**Subject:** Planning and Zoning Commission, Major Comm. Plan Amend

Michael Raber,

My husband and I are concerned by the proposal to build a 45 unit apartment complex at 3285 W. State Route 89A.

The traffic in this section of town is already very heavy due to the tourist traffic and tour companies going up and down Dry Creek. This is in addition to the traffic leaving and entering the city as this is the only way to and from Cottonwood.

We oppose the building of this apartment complex as it will only increase traffic and make the problem worse unless the city plans to make major infrastructure improvements to ease traffic (which would ruin the small town appeal of Sedona). We do not see the need for more affordable housing as the commute to Cottonwood is quite reasonable.

Due to prior commitments , we cannot attend the meeting tomorrow but wanted to get our opinion on this matter known.

Thank you,  
Christine Siddoway

Sent from my iPad

**From:** John West <johnandgailwest@gmail.com>  
**To:** Mike Raber <mraber@sedonaaz.gov>  
**Date:** 9/15/2017 12:53 PM  
**Subject:** P&Z meeting September 14th

Hi Mike,

The Planning and Zoning meeting yesterday went well. From comments made by the Commissioners, I gather the previous emails sent were forwarded to them. Please forward this email to the Commissioners as well.

Some clarity was provided but additional clarification is needed. As well, in my opinion, certain items briefly discussed will need more solidification for the final review.

\*With reference to #2 on the Sept. 14th Agenda, Major Community Plan Amendment to the text, Multi Family High Density\*

\*There needs to be a cap on the number of units per acre allowed\*. If it currently is zoned "Up to 12 units per acre", can the new zoning criteria state "up to 20 units per acre"? This designation already exists and provides the cap necessary to avoid an "open ended senario" for future requests for development. Leaving the proposed language at "greater than 12" gives future developers the notion that the sky is the limit.\* This is a MAJOR Zoning Plan change that necessitates a cap. RM-3 is capped at 20 units (before incorporation). Stick with this language.\*

\*With reference to #3 on the Sept. 14th Agenda, Major Community Plan Amendment to Multi- Family Density, Applicant Keith Holben\*

It was stated in the Staff Report that this proposal is "conceptual", yet a vote to move forward will occur next Tuesday.

Now, in my opinion, is the time for specifics, BEFORE the developer moves forward with this project.

1. Phrases such as "High Density", "Diverse Housing" and "Affordable Housing" need to be defined in relation to this project, from an economic perspective.

\*Here are the facts, as presented.\*

The developer, Keith Holben plans 3 separate structures, 2 stories each with a total of 45 units. So that means 15 units per building.

25- small, 1 bedroom units and 1 bedroom, larger units \$1,100-\$1,200 rent per month

20 -larger, 2 bedroom 1 bath units and 2 bedroom 2 bath units \$1,350-\$1,450 per month

\*We still do not know the size of the units. What is the proposed size of each of the 4 options proposed?\*

\*A. Zoning Allowance - Criteria restrictions\*

There was brief discussion regarding criteria that the builder will need to conform to prior to initial approval of his plan. Some items discussed include:

a.\* Traffic impact study\*- How many cars will these residents have?

Roughly, 80 parking spaces are planned, so 80 cars?

b. \*Noise/light impact study.\* There have been discussions with the Relics owner and the developer regarding his concerns. These should be resolved.

c.\* Subsidized units\*- I have heard that NO Federal or State subsidies will be utilized by the residents for this project.

\*These items should be specifically noted in the final approval.\*

\*d. No ability to convert units to condominiums \*and sell individually in the future.

\*B. Lease Restriction Criteria\*

a. Currently, it is proposed that no lease can be less than 90 days. In my opinion, a\* 90 day lease is a short term lease\*. If the objective is to provide, long term rentals, 90 day leases are for a transient population. 6 month minimum or \*1 year leases more closely resembles the City's plan objectives.\*

b.\* Occupancy limits\* - Assuming 2 people per 1 bedroom. Without specific restrictions here, population in these units can soar.

c. \*No subletting-\* this was discussed in the form of occupancy being limited to lease signers only. Who will monitor this?

d. \*No government entitlements\*

It is up to the landlord to specify in the lease agreement what the terms of the contract are. Then, the terms need to be enforced. Since the general public has voiced concerns here, it may be prudent to provide these restrictions before the developer gets final zoning approval. \*The P&Z has this authority.\*  
The Developer mentioned an ON SITE MANAGER. So this should be specified in the Plan Approval.

\*Final Analysis;\*

If you do the math. In order for this project to meet the City's established desire to provide "Affordable Housing" and "Diverse Housing" then the rents need to be affordable for... \*What is the target population the City is attempting to target?\*

25 - 1 bedroom units (maximum 2 per bedroom) equals up to 50 residents  
And,  
20 - 2 bedroom units (maximum 2 per bedroom) equals up to 80 residents for a\*  
Maximum total of 130 people on 2.260 acres\*  
If all are working residents that can equate to up to 130 cars!

\*This project in its conceptual stage APPEARS to target Middle class, Professional people who must earn what income to qualify for these units?\*

\*Assuming no Government subsidies are permitted.\*

\*1 bedroom - \$1,100 per month\* (minimum) x 12 = \$13,300 annual cost for rent (not including utilities)  
And, no more than 30% of a person's income should go towards rent . Roughly 1/3  
\$48,000 GROSS earnings per year or \$4,000 GROSS monthly leaves take home pay of \$37,523.17 or \$3,126.93 per month\*  
\*This is \$25 per hour wages!\* And a person has taxes, health insurance expenses, car payment, car insurance, food, utilities...  
\*Federal Tax form calculator -California (so AZ would be little less) includes Federal ,State, Social Security, Medicare.

\*2 bedroom - \$1,450 per month\* (maximum) x 12 = \$17,400 annual cost for rent (not including utilities)  
And, no more than 30% of a person's income should go towards rent. Roughly 1/3 or \$52,200 NET or \*\$4,350 net per month. T\*his is a \$33 per hr wage.  
So, take home pay would need to be over \$52,000 per year.

Using the same Federal tax form calculator, a resident's family income would have to be over \$64,000 GROSS per year to have a take home pay of \$46,920 or \*\$3,910 net per month.\* This applicant WOULD NOT QUALIFY.  
The Area Median Income in Sedona, (AMI) is \$54,000 (as stated at the meeting) Is this Gross earnings?

So, as I stated in a previous email. How can you determine the feasibility of this project without having all the information (as referenced above)?  
I hope this analysis helps to put a spot light on what exactly the City Staff is attempting to do with these Major Zoning Use changes, specifically in relation to Mr. Holben's project and providing "Affordable housing" for working residents in Sedona.

Gail West- Sedona individual single family residential Property Manager.



**From:** Linda Martinez <lmartinez@shradermartinez.com>  
**To:** Mike Raber <MRaber@sedonaaaz.gov>  
**Date:** 9/12/2017 2:06 PM  
**Subject:** Email for P & Z

Mike, please forward to the commission:

Dear Chairman Losoff and P & Z Commissioners,

You will receive many angry emails regarding the Community Plan amendment to increase density and also for the proposed apartment complex on 89A and Pinion Dr.

I am in favor of both of these. As a member of the grass roots group investigating the state of housing in Sedona, we need as many tools as possible. Sedona has not seen a new apartment complex in 20 years.

Consider these:

1. Can those who state that this apartment complex will bring crime, drugs, etc. prove it? We heard the same argument over ADUs and none materialized.
2. Is the author of the email or statement own a business in Sedona and had to hire and retain workers? Ask any business owner or school what they are experiencing. Please separate personal opinion from the common good.
3. The apartment complex would bring 19-20 additional units if the density increase passes. All this fear over an additional 19-20 units? New Lodging adds a few hundred units... of strangers who don't volunteer, etc.
4. The developer could build condos, 12 per acre, that would be purchased by investors and turned into short term rentals, leaving Sedona with very little workforce housing.
5. Check out the Harvard Study on multi-family housing (I can send it to you) which shows that people who live in apartments engage with the community as much as homeowners.
6. The housing shortage in Sedona is real - 4% of our housing stock is apartments. People are renting crawl spaces, garages, and closets. Ask Audree about phone calls she has received.
7. Be aware that Sedona's median income of \$56,000 is far below what most employees earn in retail, hospitality, tourism, and education.
8. We just do not have housing to rent. See Mike Rainey's email sent to you. Cottonwood is seeking more workforce housing and is welcoming a new 172 unit apartment complex near Candy Lane.
9. I trust our process. This commission will thoroughly vet each project. Your hands are tied without this amendment.
10. We cannot fulfill our Community Plan to provide diverse housing without this amendment.

I would be happy to further the conversation.

Thank you,  
Linda

[cid:image002.jpg@01D32BD0.47710EE0]Linda Martinez | VP, Business Development  
Shrader & Martinez Construction Inc.  
O 928-282-7554 x 2201 | C 928-239-0074  
www.shradermartinez.com<<http://www.shradermartinez.com/>>

**From:** John West <johnandgailwest@gmail.com>  
**To:** Mike Raber <MRaber@sedonaaz.gov>  
**Date:** 9/11/2017 2:41 PM  
**Subject:** Re: Major Community Plan Amendments to Future land use map

Thanks Mike,

I have reviewed the Staff Reports and see how the Applicant, Keith Holben is modifying his initial request to reduce the number of parking spaces. He states "Based on the size of the one bedroom..." So, what size are we talking about?

I still think it prudent to KNOW the exact size of the units and how much each will rent for to grasp the feasibility of this project. If the goal of this project's approval is to provide "affordable housing" and address "diversity" (economic or multicultural diversity?) then the size and rental cost must be known upfront. Due to unanticipated project cost overruns, the developer may be "forced" to raise monthly rates (he can get it) once completed.

To merely reduce the number of parking spaces (based on the size of the units\* that is undefined\*) does not dictate how many cars each renter will have (or their guests). The size of the unit also does not dictate the number of residents who occupy them unless the management of the apartment complex\* limits occupancy based on the unit's size. \*

"Affordable housing" is a nebulous term. It is the market that dictates unit rental cost based on condition/location, size and demand/availability. A 1 bedroom, newly constructed unit at 650-800 sq feet will command well over \$1,000 per month. Is this affordable housing for a single person working in Sedona?

\*And, a 3 month lease is considered a short term rental\*. Landlords with properties in POA's that have 30 day minimums are finding 3 month leases work just fine to accommodate demands for non-permanent residents giving Sedona a try. A 1 year lease is standard and makes more sense to provide long term housing for a working resident. This allowance of 90 days for the Pinion/89A project should be revisited.

How can you possibly determine the feasibility of this project without knowing the size of the units and the cost per month?  
Addressing the need for long term housing means having a lease longer than 90 days. This developer would have no problem charging top dollar to accommodate demand for 3 month leases for a transient population visiting Sedona.

If this project is to meet the criteria City officials have established then particular attention needs to be given to these areas.

My thoughts.  
Gail West

On Mon, Sep 11, 2017 at 1:14 PM, Mike Raber <MRaber@sedonaaz.gov> wrote:

>  
> <<https://maps.google.com/?q=City+of+Sedona+102+Roadrunner+Drive&entry=gmail&source=g>>  
> Thanks Gail.  
>  
> I just had a few comments.  
>  
> #1. The Pinion/89A project is for 45 units.  
>  
> #2. The initial preference for local residents working in Sedona is on 25  
> of the 45 units.  
>  
> #3. There are several properties already identified in the Sedona  
> Community Plan's Future Land Use Map for Multi-family, but, without this  
> proposed text amendment, there are only two scenarios that would allow  
> multi-family housing at more than 12 units per acre. The adopted Plan for  
> the Western Gateway (area including the former Cultural Park) would allow  
> for consideration of densities higher than 12 units per acre through a

> minor Community Plan amendment and zone change. The RM-3 (multi-family)  
> zone, which existed before the City's incorporation, allows 20 units per  
> acre, but there are only 2 vacant acres of this zoning left at the end of  
> Sunset Drive within the AAA Industrial Park area. If the text amendment  
> is approved, no properties will be changed to the new high density (above  
> 12 units per acre) designation and land owners are not provided with any  
> new entitlements. Any new project applying for this new designation would  
> need to apply for a Major Community Plan amendment and rezoning (just like  
> the Pinion/89A project) to be considered by the Planning and Zoning  
> Commission and City Council. For Major amendments, public notice is sent  
> to all Sedona residents. This text change does not provide a blank approval  
> for any future proposals.  
>  
>  
>  
> Here are the links to the meeting materials for both the City-initiated  
> proposal and the Pinion/89A proposal. One link is for the 14th work  
> session and the other is the 19th public hearing. Both of these are  
> identical except for the agendas. This provides much more of the detail  
> for both of these proposals.  
>  
> [http://www.sedonaaz.gov/your-government/council-](http://www.sedonaaz.gov/your-government/council-commissions-committees-boards/meetings-documents/-cfs-2531)  
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> \_\_\_\_\_  
> Michael Raber, Senior Planner  
> City of Sedona  
> <<https://maps.google.com/?q=City+of+Sedona+102+Roadrunner+Drive&entry=gmail&source=g>>  
> 102 Roadrunner Drive  
> <<https://maps.google.com/?q=City+of+Sedona+102+Roadrunner+Drive&entry=gmail&source=g>>  
> Sedona, AZ 86336  
>  
> 928-204-7106 <(928)%20204-7106>  
> [mraber@SedonaAZ.gov](mailto:mraber@SedonaAZ.gov)  
> Visit: [www.SedonaAZ.gov](http://www.SedonaAZ.gov)  
> Be a fan on Facebook: [www.Facebook.com/CityofSedonaAZ](http://www.Facebook.com/CityofSedonaAZ)  
>  
>  
>>>> John West <[johnandgailwest@gmail.com](mailto:johnandgailwest@gmail.com)> 9/11/2017 10:11 AM >>>  
> Mike,  
>  
> Thank you so much for taking the time 1st thing Monday morning to respond  
> to my letter (email) regarding the proposed changes.  
> This is now my understanding following our conversation. Please clarify or  
> add any comments you might have.  
>  
> 1. The approval of Keith Holben's "Multi-Family High Density" Development  
> cannot occur without an Amendment to the Major Community Plan to lift the  
> limit of "no more than 12 dwelling units per acre". Currently, MK Company  
> has submitted a proposal for 2 story, 44 units on 2.260 acres at the corner  
> of Pinion road and 89A.  
>  
> 2. Though it has not been identified in Keith Holben's Proposal how large  
> each unit will be or how much each unit will rent for at this stage of the  
> process, the initial pending Proposal includes deed restrictions to  
> provide: a. Initial preference to local residents working in Sedona, b. A  
> minimum 90 day lease restriction, and c. The complex could not be converted  
> to Condominiums. In addition, HUD Housing or subsidized housing is not in  
> consideration on this project.  
>  
> 3. There are several properties already identified as Multi-Family High  
> Density in the Master Land Use Plan, though no other projects can move  
> forward without a specific RFP presented to the City Planning and Zoning  
> before being considered. A Public Notice would be sent to residents of  
> Sedona prior to approval. The change in the Major Community Plan does NOT  
> provide a blank approval for any FUTURE proposals in existing Multi-Family  
> Use zoning areas.

>  
> 4. Public comment will be permitted at Thursday's Planning and Zoning  
> meeting.  
>  
> As I conveyed to you, providing the public with initial clarification as  
> to what this all means goes a long way to mitigate "fear based thinking".  
> "Multi-Family High Density", "affordable housing" and "diversity" are  
> words that can carry connotations or interpretations equating to low  
> income, subsidized housing.  
> This I understand, is not what is being proposed.  
>  
> Thanks again, Mike.  
> It was a pleasure speaking with you. Good luck on Thursday.  
> Gail  
>  
> Sedona City Hall is open for business Monday through Thursday from 7 a.m.  
> to 6 p.m. and closed on Fridays. The Municipal Court and Wastewater system  
> maintenance remain on a Monday through Friday, 8 a.m. to 5 p.m. schedule.  
> Police and maintenance services are not impacted.  
>

**From:** william pattison <williampattison@yahoo.com>  
**To:** Mike Raber <mraber@sedonaaz.gov>  
**CC:** Andy Dickey <adickey@sedonaaz.gov>  
**Date:** 9/11/2017 9:29 AM  
**Subject:** REQUESTED CHANGES TO SEDONA COMMUNITY PLAN

Hi Mike, We have reviewed the proposed changes as put forth in the "Major Amendment Requests Sedona Community Plan" and concur with all those changes put forth. I personally am very fond of cider, and cider production would greatly assist our orchardists in the area. Further, the changes put forth to increase multi-family (and attendant parking) will provide for any housing shortfall into the future. Thank you, Bill & Lesley Pattison  
125 Vista Grande Ct. 86336

## Mike Raber - City of Sedona: Comments on Plan Amendment Proposal

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**From:** <donotreply@sedonaaz.gov>  
**To:** <mraber@sedonaaz.gov>, <wcampbell@sedonaaz.gov>  
**Date:** 9/10/2017 5:51 AM  
**Subject:** City of Sedona: Comments on Plan Amendment Proposal

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A new entry to a form/survey has been submitted.

**Form Name:** Comments on Community Plan Amendment Proposals  
**Date & Time:** 09/10/2017 5:50 a.m.  
**Response #:** 11  
**Submitter ID:** 268  
**IP address:** 67.167.42.168  
**Time to complete:** 4 min. , 19 sec.

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### Survey Details

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#### Page 1

**We want to hear what you think. Please share your thoughts below. If you have questions about a proposal, please enter your contact information so that we can respond. Please note that all information submitted (including name and addresses) will become part of the public record and will be available for public inspection.**

1. **Proposal Name:**  
(o) Pinon/89A Multifamily Plan Amendment Proposal
2. **What are your comments, concerns, ideas, and suggestions about this proposal?**

**Comments:**

When you consider the growth of business in West Sedona, an apartment complex for all those who service those new industries is a true necessity.  
 I strongly urge the council to approve this request.

3. **Your contact information**

**Name:** Sharon Scellatto  
**Mailing Address:** 25 Red Range Circle, Sedona  
**E-mail:** sharonpbs@yahoo.com

4. **Would you like to receive notices about this proposal, such as public meeting dates?**

(o) Yes

Thank you,  
City of Sedona

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## Mike Raber - City of Sedona: Comments on Plan Amendment Proposal

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**From:** <donotreply@sedonaaz.gov>  
**To:** <mraber@sedonaaz.gov>, <wcampbell@sedonaaz.gov>  
**Date:** 9/10/2017 4:27 AM  
**Subject:** City of Sedona: Comments on Plan Amendment Proposal

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A new entry to a form/survey has been submitted.

**Form Name:** Comments on Community Plan Amendment Proposals  
**Date & Time:** 09/10/2017 4:27 a.m.  
**Response #:** 10  
**Submitter ID:** 267  
**IP address:** 98.223.247.43  
**Time to complete:** 15 min. , 46 sec.

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### Survey Details

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Page 1

**We want to hear what you think. Please share your thoughts below. If you have questions about a proposal, please enter your contact information so that we can respond. Please note that all information submitted (including name and addresses) will become part of the public record and will be available for public inspection.**

**1. Proposal Name:**

Pinon/89A Multifamily Plan Amendment Proposal

**2.**

**What are your comments, concerns, ideas, and suggestions about this proposal?**

**Comments:**

This area needs more projects like this one! The proposal addresses many issues for the Sedona area that have come up with the growth in population. A nice looking plan. I support.

**3. Your contact information**

**Name:** Mike Feinstein  
**Mailing Address:** PO Box 20306 Sedona, AZ 86341  
**E-mail:** fjustus@comcast.net

**4.**

**Would you like to receive notices about this proposal, such as public meeting dates?**

No



Thank you,  
City of Sedona

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**From:** dell willmon <dell.willmon@gmail.com>  
**To:** <mraber@sedonaaz.gov>  
**Date:** 9/7/2017 2:52 PM  
**Subject:** PZ17-00008 and PZ17-00009

I am writing to express my disapproval of both these proposals. I do not agree with increasing housing density, nor do I wish to see the property on Pinon Dr. used to build a 45-unit apartment complex.

I have been following this proposal to increase housing density in Sedona and am frankly appalled at the arguments put forth in its favor; for instance, the argument that most cities already allow more housing units per parcel than Sedona does. Sedona is unique. Do we really want it to look like most other American cities? I don't, and I can't imagine that most people who move here or who visit here want it to look like most other American cities. We are already inundated with traffic. Do we really want to bring in multi-unit dwellings that pack more cars into a smaller area, ultimately putting even more cars on the road? Must we fill every available empty space - not just fill it, but pack it with housing units?

I live on Pinon and I certainly do not want to see 45 affordable housing units go in at the end of my street. For one thing, Pinon Dr. is set at a peculiar angle and I assure you that there will be auto accidents at that intersection unless it is reconfigured. The only reason it hasn't happened already is that the only people who use this street live in this small neighborhood. Somewhere between 45 and probably 90 cars would be added to the mix. The only way these units could be affordable is if many people live in each one, so there could be even more than 90 cars.

Frankly, the idea of "affordable" housing in Sedona is laughable. What is affordable for someone who is making minimum wage and probably not working a full-time job? In this town the jobs are exactly that - minimum wage and generally part-time. So you have people who are living on a meager wage trying to live in a town where even the more financially stable residents go to Cottonwood to shop for groceries and other staples. It seems to me the investor who wants to build "affordable" housing here probably just wants to build high-density housing here. See my original statements about high-density housing and its attendant issues.

I wish I thought my opinions would make any difference, but I've talked to too many people who have lived here many years. The consensus among them is that Planning and Zoning makes up its mind, then asks for public input as a way of complying with rules. This city appears to be interested solely in generating money however it can on the backs of the residents who truly love this town and wish to see it remain beautiful. I believe it is already too late and I have begun to search for the kind of community I hoped I was getting when I moved here. I think the City Council will not be happy until Sedona is inhabited solely by part-time residents, short-term renters and tourists.

I cannot bring myself to attend the public meeting because I fear I could not keep a civil tongue in my head.

Sincerely,  
Lorena Willmon

**From:** John West <johnandgailwest@gmail.com>  
**To:** <mraber@sedonaaz.gov>  
**Date:** 9/9/2017 8:48 AM  
**Subject:** Major Community Plan Amendments to the Future Land use map

Michael,  
Good Morning!

I am a long term resident of Sedona and manage single family resident rentals here in Sedona.

I have in the past, managed HUD, or low income housing rental units in California.

I have some questions for you that I trust will be answered in the upcoming Planning and Zoning meetings scheduled for September 14th and 19th.

A. With reference to #2 of the Public Notice Request for Approval to Amend Chapter 3 to \* Multifamily High Density \*designation to allow for MORE THAN 12 units per Acre.

\*No specific project has been identified: Applicant City of Sedona.\*

I have located the parcels that I believe are projected to be changed on the \*Soldiers Pass Road boundary map\*. This area is between Saddlerock road, Valley view road and Airport road and currently borders single family residential properties and commercial property on 89 A.

\*With this area identified the following questions are raised.\*

1. Who owns this land?

a. If the land is privately owned, why hasn't the owner submitted this request BASED ON A SPECIFIC PROJECT ( as is being reviewed on #3 Public Notice).

b. If the City of Sedona owns this land, how can they propose a \*major land use amendment\* with NO PLAN PROPOSED?

Will the City then put this land up for sale (should the zoning be changed) and advertise for some developer to build?

2. Consideration of more than 12 dwelling units per acre.

So, up to how many units per acre are permitted if the LEAST amount of units are 12? There is no cap?

3. Numerous unknowns including traffic impact on 89A.

Will there need to be a new traffic light signal placed on Saddlerock or Airport road to handle the increased traffic?

Making a MAJOR LAND USE CHANGE without a specific Plan in mind leads to numerous unknowns to be decided later. This is a risky proposition at best.

Residents need to be informed on exactly what the City (Planning and Zoning Commission) is proposing here before signing over a blank voucher.

B. With reference to #3 of the Public Notice Request for Approval to Amend Future Land use map "Commercial" to Multi Family High Density to allow for MORE THAN 12 units per Acre.

\*Specific Project has been identified: Applicant Keith Holben, MK Company\*

I have reviewed his specific proposal presented to the City and I see that the land projected for development is currently "Pending sale" (based on this proposed zoning amendment).

\*Mr. Holben identifies 44 units on 2.260 acres 24- 1 bedroom and 21+ 2 bedroom apartments with 83 parking spaces. Up to 83 ca\*r\*s?\*

I did not however, see how big each unit will be. He states the 1 bedroom units would be about "studio" size (or 650 sq feet?).Nor did I see how much each unit would command for rental income. He did not specify the maximum occupancy per unit, or the length of a lease (minimum 1 year?)

Will his company manage the apartment or will he sell the complex once it is finished ?

Currently, rentals of less than 1,000 sq feet command ABOVE \$1,000 per month rent for older apartments in Uptown.

In West Sedona, 2 story units over 1,000 sq feet command over \$1,300 per month (Grasshopper rd units).

So, based on what the market in Sedona will command, any new unit apartments are looking at a minimum of \$1,000 per month rent which is way more than a low income earner can afford.

This then leads to the question... Will these apartments be subsidized by HUD? Please see the 2nd email I will send you regarding HUD housing availability in Cottonwood for YAVAPAI County (and how all of this is figured out).

Currently, Cottonwood addressed subsidized housing for Yavapai County based on the county averages for rent to provide affordable housing for residents in our vicinity.

This presents the following dilemma. Based on current market rents that Sedona can command for small apartments and the low income earners wages, BEFORE HUD subsidies, the GAP APPEARS TOO GREAT for any new apartment developments to provide ACCESSIBLE housing for the low-wage-earner working here in Sedona.

Mr Holben's development WILL attract single, professional, near retirement 2nd career wage earners who can pay OVER \$1,000 per rent and want to test out Sedona before moving here permanently.

If he is trying to provide AFFORDABLE housing for the low income wage earner, then expect the 1 bed room unit occupancy to exceed 2.25 persons per unit. Will the City be managing the excessive occupancy of these small units in order for low wage earners to afford them?

Or will these units be HUD subsidized (using the formula for Yavapai County)?

And, finally, can this proposed Apartment complex be converted to condominiums for individual sale based on this current, proposed zoning change?

\*In conclusion: \*The desires of the City Council to provide affordable housing for low income wage earners that work in Sedona may not be achievable or feasible based on what the market can command for rents and the incomes earned at hotels, restaurants etc. \*The Gap may just be too great.\*

Cottonwood, being less than 30 minutes away has achieved this goal. Reviewing what our bordering sister City has done needs to be explored in its entirety before any Major Zoning change is made to \*Multi-Family High Density\* in Sedona.

Sincerely,  
Gail West- Property Manager Sedona (805)-473-9290

## Mike Raber - City of Sedona: Comments on Plan Amendment Proposal

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**From:** <donotreply@sedonaaz.gov>  
**To:** <mraber@sedonaaz.gov>, <wcampbell@sedonaaz.gov>  
**Date:** 8/14/2017 5:27 PM  
**Subject:** City of Sedona: Comments on Plan Amendment Proposal

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A new entry to a form/survey has been submitted.

**Form Name:** Comments on Community Plan Amendment Proposals  
**Date & Time:** 08/14/2017 5:27 p.m.  
**Response #:** 2  
**Submitter ID:** 245  
**IP address:** 98.146.177.180  
**Time to complete:** 3 min. , 13 sec.

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### Survey Details

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Page 1

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**We want to hear what you think. Please share your thoughts below.**

**If you have questions about a proposal, please enter your contact information so that we can respond.**

**1. Proposal Name:**

Not answered

**2.**

**What are your comments, concerns, ideas, and suggestions about this proposal?**

**Comments:**

Totally oppose high density multifamily zoning approval. Not what Sedona is about.

William Spring

**3. Your contact information**

**Name:** William Spring  
**E-mail:** wspring10@gmail.com  
**Mailing Address:** 2305 Edgewood dr

**4.**

**Would you like to receive notices about this proposal, such as public meeting dates?**

(o) Yes

Thank you,  
**City of Sedona**

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## Mike Raber - City of Sedona: Comments on Plan Amendment Proposal

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**From:** <donotreply@sedonaaz.gov>  
**To:** <mraber@sedonaaz.gov>, <wcampbell@sedonaaz.gov>  
**Date:** 8/15/2017 9:40 AM  
**Subject:** City of Sedona: Comments on Plan Amendment Proposal

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A new entry to a form/survey has been submitted.

**Form Name:** Comments on Community Plan Amendment Proposals  
**Date & Time:** 08/15/2017 9:40 a.m.  
**Response #:** 6  
**Submitter ID:** 249  
**IP address:** 24.156.95.157  
**Time to complete:** 57 min. , 16 sec.

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### Survey Details

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Page 1

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**We want to hear what you think. Please share your thoughts below.**

**If you have questions about a proposal, please enter your contact information so that we can respond.**

**1. Proposal Name:**

(o) Pinon/89A Multifamily Plan Amendment Proposal

**2.**

**What are your comments, concerns, ideas, and suggestions about this proposal?**

**Comments:**

I am extremely alarmed about this proposal. State Highway 89A has wound up becoming far more congested and gridlocked as time goes by. At this point it fails to move the traffic it routinely has adequately. Now days traffic congestion is in West Sedona on weekdays and during off-season months in addition to during the high season. The traffic congestion and gridlock problems are detrimental to citizens and tourists alike. They are a health issue as well as an atrocious inconvenience.

How are residents living in Uptown supposed to get to the Medical Center in case of a heart attack or stroke before they die? How are people living in the Village of Oak Creek, who must drive congested, gridlocked SR 179 in addition to 89A, supposed to make it to the Medical Center in time to avert a medical catastrophe in case of an emergency? Allowing more than 12 DU/AC in West Sedona is an egregious precedent to set. The current 12 AC/DU high limit is abominable for traffic as well as for health, welfare and safety. The City must not be in denial about the traffic nightmares it already has due to the lack of roadway infrastructure.

I am opposed to the Pinon/89A Multifamily Plan Amendment Proposal.

**3. Your contact information**

**Name:** Jean Jenks  
**E-mail:** jeanjenk@live.com  
**Mailing Address:** 250 Hillside Avenue

**4.**

**Would you like to receive notices about this proposal, such as public meeting dates?**

(o) No

Thank you,  
**City of Sedona**

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**Summary Minutes**  
**City of Sedona**  
**Planning & Zoning Commission Meeting**  
**Council Chambers, 102 Roadrunner Drive, Sedona, AZ**  
**Tuesday, November 7, 2017 - 5:30 p.m.**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**

Chair Losoff called the meeting to order at 5:30 p.m., led the Pledge of Allegiance and requested roll call.

**Roll Call:**

**Planning & Zoning Commissioners Present:** Chair Marty Losoff, Vice Chair Kathy Levin and Commissioners Randy Barcus, Eric Brandt, Kathy Kinsella, Larry Klein and Gerhard Mayer.

**Staff Present:** Justin Clifton, James Crowley, Andy Dickey, Audree Juhlin, Ryan Mortillaro, Karen Osburn, Robert Pickels Jr., Rob Pollock and Donna Puckett

**Councilor(s) Present:** Councilor Scott Jablow

**2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF**

Audree Juhlin announced that Commissioner Kathy Kinsella has joined the Commission, and the Commissioner indicated that it is a pleasure to be here.

Commissioner Barcus announced that he attended the American Planning Association Conference of the Arizona Chapter for the City, and there were five take-aways. First, the Voting Rights Act of 1965 is legally going to be interpreted to require all cities and counties in all states to have districts for elected officials, and he thinks the Planning & Zoning Commission may be able to provide guidance on districting down the road. The expectation is that it will become a requirement sometime in the next 10 years. Second, every Arizona city is special, because of unique history, features and constraints, and he heard that widely from participants, etc. Some have much larger populations and some smaller, etc. All of the planning solutions are local, and that was well explained at the conference. Third, some cities in other parts of the state are activity involved at the Commission and staff levels in regional planning issues. The planners from Cottonwood seemed to be receptive to exploring regional planning initiatives, although everybody is worried about how joint planning would work and be funded, but many of the issues we are facing in Sedona are also being faced in Cottonwood and elsewhere. Fourth, many cities are updating their sign codes and only a few have completed the effort; the punchline was how relieved everyone was that the Ninth Circuit Court of Appeals ruled on temporary signs in residential areas, because everyone was concerned about lawsuit's legal costs, and he is glad we are over that hurdle in Sedona. Fifth, this was held at the Wekopa Tribal Convention Center and we had a presentation by the president of the tribe. She said that the tribe does seven-generation planning, and everyone shifted when she made that statement. We could learn a lot from our tribal friends in Arizona and look at all of our decisions over a very long term. He appreciated the opportunity to attend the conference. The Chair then asked if the Commissioner was suggesting that we go back seven generations in our planning, and Commissioner Barcus stated no, forward.

**3. PUBLIC FORUM: (This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be**

limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

*Chair Losoff opened the public forum and, having no requests to speak, closed the public forum.*

**4. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:**

- a. Discussion/possible action regarding a request for approval of a Zone Change from C-2 (General Commercial) to RM-3 (High Density Multifamily Residential) and Development Review to allow for the development of a 45 unit apartment complex. The property is located at 3285 W State Route 89A, at the southeastern corner of the intersection of W State Route 89A and Pinon Drive. The property is approximately 2.26 acres. APN: 408-11-086A. Case Number: PZ17-00009 (ZC, DEV) Applicant: Keith Holben, MK Company, Inc.**

**Presentation:** Cari Meyer provided an overview of the request and indicated that the application was submitted in May of this year, and it included a Major Community Plan Amendment, Conceptual Zoning and Development Review. It went through that review process, and the Commission held a site visit and work session in August, and a work session and public hearing in September. At that public hearing, the Commission recommended approval of the Major Community Plan Amendment and reviewed the conceptual submittal. After the Commission forwarded a recommendation of approval to the City Council, the applicant submitted the comprehensive Zoning and Development Review application. It was at risk, since the City Council had not approved the Major Plan Amendment yet; however, in October, the City Council held a work session and public hearing and approved this Major Community Plan Amendment along with a Text Amendment that created the land use designation category that was then applied to this property. In October, the Commission also had a work session on the comprehensive Zoning and Development Review submittal, so we are here tonight for a public hearing for the Zoning and Development Review, and after it moves through the Commission, the City Council will have a hearing on the Zone Change and Development Agreement that is being proposed.

Cari identified the location of the subject property at Pinon Drive and SR 89A and indicated that the property is owned by Haven Management & Consulting, LLC. The applicant is Keith Holben, MK Company. The property is approximately 2.25 acres and is currently vacant. Cari pointed out the L-shaped parcel and the surrounding area, and she indicated that the land use designation for this property, as of a couple of weeks ago, is Multi-family High Density Residential within the Dry Creek CFA, but there is no adopted CFA Plan for the area. The current zoning is General Commercial, C-2, and the proposed zoning is RM-3, High Density Multi-family Residential, which is considered a less intense Zoning District than C-2, General Commercial.

Cari stated that in looking at the new Multi-family High Density land use designation, this designation supports multi-family zoning designations greater than 12 units per acre on a case-by-case basis through consideration of strategies for achieving housing diversity, affordability, and availability to address local housing needs. This project is proposing to address this land use designation's requirements by entering into a Development Agreement with the City that would have a restriction on subdivision or condo conversions, so these would remain apartment rental units. There would be a minimum lease length, an initial lease length of 90 days, a prohibition on sub-leasing without management's approval, approved

sub-leases would prohibit short-term rentals, and priority would be given to tenants employed locally, with additional priority given to tenants earning less than the AMI. Cari pointed out that in discussions with the applicant regarding the Development Agreement, we are supporting his request to change his original proposal that stated the additional priority would be given to those earning 90% or less of the AMI to just say less than the AMI, so anyone earning less than the AMI would be included in that priority category.

Cari indicated that in addressing the Dry Creek Community Focus Area Expectations, as outlined in your Staff Report, staff believes this proposal is meeting the Expectations, including providing mixed-use and a more walkable environment that builds on the variety of civic, social service, and visitor-oriented uses already in place. In this case, the rental apartments would add to the already diverse mix of land uses. The closest apartment units are the Shadowbrook Apartments, just outside the CFA. In the CFA, there are no rental apartments, but there is a number of other uses and staff believes that this project would add to the already diverse mix, as the CFA Expectations state. Additionally, this project would provide buffering and land use alternatives as transitions between the more intensive commercial and the residential uses and adjacent single-family neighborhoods. Currently, the land uses transition directly from Commercial to Single-family, and Multi-family is often used in other areas as a transition between them, so this would create a transition where one doesn't currently exist. The Expectation that the natural open space along SR 89A is preserved does not apply to this property; the area is not natural open space, and the last expectation is to focus on the general needs of the West Sedona Corridor, and staff identified a couple that were applicable to this project, including development and redevelopment that achieves a broad use of land uses and identifying locations for desired land uses.

From the zoning map, Cari identified the subject property outlined in pink and referenced the other colors on the map. The blue is Commercial; red is Lodging; yellow is Residential, and purple is Office Professional. Across the street, it is actually Multi-family, but they are condos with a higher density than a single-family neighborhood, so this property going to Multi-family would create more of a mix of land uses in the area. The proposed site plan being reviewed under the Development Review has three apartment buildings and an office/storage building. Cari then pointed out the area preserved for stormwater retention and a passive park for the residents. Under the proposal, there would be 45 apartment units with the office, storage and BBQ areas as well. There would also be the Development Agreement with the provisions to ensure that this is meeting the goals of the Community Plan.

Regarding context, Cari identified the subject property and pointed out how it relates to the existing uses in the area, including the restaurant, hotel and single-family residential area. She indicated that the site plan has been designed to try to have as little impact on the existing residences as possible, and that is one of the main reasons the back-corner area is being left in its natural state. Cari noted that based on comments during the work session and from staff regarding elevations, there have been a couple of changes in mainly the left elevation of Building 1 that faces the highway. Some architectural details were added to that building, and they darkened the paint colors and reduced the number of paint colors from three to two. She then pointed out the elevations of the other buildings and the office building.

Cari indicated that in reviewing the plan, staff looked at the Community Plan, Community Expectations for this area, and the Land Development Code. A comprehensive evaluation of

how this project meets all of these standards is included in the Staff Report. One area that was brought up in the work session was regarding the requested parking reduction, so the applicant provided a site plan showing how ghost parking could be provided if needed. We also had the Public Works Department and City Engineer review the property and proposal regarding access, traffic, connectivity, grading, drainage, and wastewater disposal.

Cari referenced the proposed site plan alternative showing where there would be an opportunity to add additional parking in some areas on the site, if it is determined that it is needed in the future; however, those are areas where some of the natural trees are being left, so we do not feel it is appropriate to build all of that until it is necessary. There will be a provision in the Development Agreement that if it is agreed that the apartment complex needs additional parking, it could be constructed in the areas shown, and a complete explanation of that is in the Staff Report.

Cari then showed the slides that were shown at the work session and noted that there has been a lot of questions about traffic and volume of traffic, so we compared this area with some other areas in town. One area has two accesses to the highway at two unsignalized intersections, and it provides access for approximately just over four acres of vacant commercial land and 85 single-family lots. If this proposal is approved, it would change to just under two acres of commercial and 130 residential units. Then, staff compared that area just to the east, which accesses SR 89A at a signalized intersection, and the numbers are pretty comparable as far as commercial acreage and residential units, etc. In staff's experience, we have never seen a back-up on the south side of the highway at this location, and we believe the light there is warranted by the traffic volume on Dry Creek Road to the north that provides access to a number of trailheads and resorts. We also wanted to compare it to some of the other areas that are a little more similar, and one area identified was around Stutz Bearcat, and that area also provides access through two unsignalized intersections, although they do have access to a light through the Andante Inn parking lot, but we didn't determine how many cars actually use that connection. This area has just over one acre of commercial area and almost 300 residential units, so it has about 2.25 times more residential units than would be using the two access points we're discussing tonight, and there have been no issues with these intersections as far as access to the highway. Further east, we looked at areas that do have lights and the land uses and densities that would warrant a traffic signal. The light at Shelby provides access to about 10 times as much Commercial area as the neighborhood under consideration tonight, and almost three times as many residential units, plus 72 timeshares. The light at Sunset provides access for about five times as much Commercial area and 2.5 times as many residential units, plus the park, a church and some lodging units as well, so based on the volumes here, staff feels that the traffic at the proposed project site won't have any issues with access to the highway.

Cari stated that the project was routed to the review agencies and comments were received from a number of them. The outstanding comments deal with future requirements as far as construction, for instance, they are proposing a closure of one of the curb cuts on SR 89A, so ADOT had comments about ensuring they get all of the proper permits, so there are no outstanding comments that need to be addressed at this stage.

Cari indicated that there has been a significant amount of public input, and the applicant conducted two open houses and met with a number of neighbors individually. The

documents have also been on the City's website, and through previous public hearings with the Community Plan Amendments and the Conceptual Review, we received a number of comments and those have been provided to the Commission. The two main comments that were still outstanding during the work session related to noise and traffic. Regarding noise, the neighboring property owner had concerns regarding the placement of buildings and the potential for increased noise complaints, and in response to that, the applicant had a noise expert look at the project and offer recommendations as to how to mitigate some of the noise concerns, and staff agreed with the findings and didn't believe any further steps were needed. Regarding traffic, there were neighbors' concerns regarding the safety of the location of the driveway, and the City Engineer has reviewed this carefully and determined that it meets all City standards as designed; however, they are working with the applicant and some of the neighboring property owners to increase visibility through trimming vegetation, etc. Based on the traffic study, we are confident that the City Engineer has made the correct decision and we are supportive of the site design as proposed. Therefore, staff is recommending approval of the Zone Change and Development Review applications, subject to the Conditions of Approval as outlined in the Staff Report with the one modification that the 90% be changed to anyone making less than the AMI would be given that priority, as far as the Development Agreement requirements.

Chair Losoff noted that the Commission has had several meetings and staff has been very responsive to the Commission's recommendations. It was good to see that staff incorporated the Commission's concerns.

**Applicant Keith Holben, MK Company in Scottsdale, AZ:** Mr. Holben stated that between 1999 or 2000–2007, he was the developer of CR Ranch in the Village of Oak Creek, and that was about 125 acres and 88 lots, and it was his first experience in the greater Sedona area. It was very interesting for him to talk with the people working on the project, including Project Engineers and every context of employees that you could think of that he came across who worked directly or indirectly for the project. Over seven years of working them, the necessity of housing was so apparent, and hearing their personal stories really touched him. It was really dramatic to hear them, and not just one or two conversations, but to hear that over time. Over the last several years, he has looked in Sedona for property that might be appropriate to address some of these community needs. It has been a real challenge to even get to where they are today with this project. There is very little availability of land, and what they did look at and evaluated always had something that was very difficult for them to get their arms around and have it work well in the community at that location. For him, it is exciting to be here in front of the City, looking to help solve a real need in the community and be a part of this. From his standpoint, it has been a personal challenge to find something here that would work, because of the need -- and a difficult one to address. That is just a little history he wanted to share; he is happy to be in front of you tonight and thanks you for considering the proposal. He will be available to answer any questions you have.

**Commissioner's Questions and Comments:**

Commissioner Barcus indicated that he had a question on ghost parking and is really pleased with how this has evolved and the comments from the public hearings and work sessions, etc. We have a really good product here, but will the ghost parking come before the Commission or will that be something that is part of the Development Agreement? Cari explained that it is proposed to be part of the Development Agreement, and as the project develops, if it is

determined in conjunction with the property owner and the Community Development Department that it is needed, it would need to be constructed. The Commissioner asked if additional parking is required, would it be handled administratively, and Audree Juhlin indicated yes; we would state through the Development Agreement the condition that if additional parking is needed in the future, working with the property owner and the Community Development Director, we would then create the parking as ghosted, in accordance with the alternate site plan. Commissioner Barcus indicated that if ghosted parking is developed, he would like to be informed. This is almost like a test case for the Commission with a new type of housing in our community, or at least new in the last two decades, and he would like to see how it turns out, so he would like to be informed, but he is not requesting that the Commission take any action on it. He would just like to know if more parking is needed. Audree indicated that would be done through the project review report that we have.

Commissioner Mayer stated that supports affordable housing, if you want to call it that way, and he voted for the Amendment as well. He had a question for staff; how many years since the last rental housing project was developed? Audree Juhlin indicated that the last project that she can remember being approved for rentals by the City was the Fairfield, now Wyndham, project with 64 apartment units in the late 1990s. Commissioner Mayer commented that it had been quite some time. He is glad that we have a project like this on our table, but he still has some questions regarding the traffic study. Where it says 300 trips from the future renters are possible per day and only 100 from the residents in the subdivision, is that correct? How did they come to those numbers?

Andy Dickey explained that as far as the number of trips, that is generated base on . . . Commissioner Mayer interrupted to ask who generated those numbers, and Andy stated that the engineer estimates based on the number of trips . . . Commissioner Mayer again interrupted to say from the developer, right? Andy continued to say, that are anticipated by different uses. Commissioner Mayer asked how many people live in the subdivision – 80, 90, 100.

Chair Losoff asked what the question is that we are raising, and Commissioner Mayer stated that the issue is the traffic study where it says only 100-day trips are done by the residents who live in the back – in the subdivision. He doesn't believe that. Cari Meyer asked if the Commissioner had a page number, and the Commissioner stated that the developer should know and the engineer. Andy Dickey explained that staff believes that was based on actual counts. Commissioner Mayer then stated actual counts on what, a Sunday? He really questions that, and Andy stated that he didn't recall. Commissioner Mayer stated he is all for the development, but he is still concerned in regards to the traffic. Everybody has voiced -- the neighbors have voiced their concerns about the traffic. It is an issue, he lives in that neighborhood and for the people who are his neighbors.

Andy indicated that he would like to offer something similar to what Cari talked about earlier, based on intersections that we have as typical evidence within our City that we observe where we need additional control measures put in place. We don't anticipate needing anything done at this intersection, based on what we see at similar intersections across the City.

Commissioner Mayer then asked the developer how wide the inlet and outlet is from the project onto Pinon.

**Brian Andersen, Architect with BMA Architecture:** Mr. Andersen indicated that the width is 28 ft., and Commissioner Mayer commented that it is approximately as wide as Pinon Drive itself, and Mr. Andersen stated that he thinks that would be a correct statement. Commissioner Mayer asked if problems occur after the development is done and there are issues, how is that going to be addressed?

Chair Losoff pointed out that all agencies have basically signed off . . . Commissioner Mayer interrupted to say that doesn't mean that technically it is going to work. If there is some issue, what is going to happen? Is there going to be some adjustments or something? He is really voicing the concern of not only himself, but people who live back there too. Andy stated that just like any other intersection, staff would continue to assess the conditions at the intersection and work with ADOT to consider additional control measures, as he indicated earlier. Bottom line with a development like this that you see at this intersection and what is contributing to this facility, you are not going to see a traffic signal here, so what might we see? We might see an additional northbound lane if things got really bad, but that is an overall community area issue for the City. It is not this developer that is causing that issue, if that happens. Commissioner Mayer stated that it is the renters too, not just the people who live back there as well, so you understand 300 day trips plus 100 from the residents or whatever it might be. Andy indicated that is exactly what he is saying; it is not just this development. Commissioner Mayer stated that he is not trying to needle and go down to nitpicking or something like that. He is just voicing major concerns about this whole traffic issue. He is very much for the project; we need it in town and everything else, but not at all cost – that is what he is saying. Andy added that the reality of what is being added in traffic for this development does not trigger then need for a Traffic Impact Analysis -- not for the City or ADOT. We only required it as an abundance of caution for this situation. Commissioner Mayer asked, if something appears, are they going to be able to handle that and accommodate. Andy explained staff would have to look at what would be needed to implement additional control measures at this intersection.

Commissioner Brandt thanked staff for a thorough, comprehensive report, and asked about the priority for tenants for AMI. The term in one part of the Staff Report said local employees, so what is the boundary? Cari Meyer indicated that we would start with employees working in the city limits; that would be the simplest definition of local. If we need to define it more through the Development Agreement, we could and we are open to suggestions. Since this is a Zone Change that is trying to address local housing needs, we probably would want to focus on the businesses in the City and employees who work in the City. Audree Juhlin added that when staff had discussions with the applicant, the reason we could support the initial request for a parking reduction was that we were looking at employees that were within a certain, like half-mile, radius of this project would have a higher priority, so we were looking at a real condensed area, and then expanding to the rest of the City as well, so we will talk to the applicant about how that is written in the Development Agreement, but we want an emphasis on those employees who work closest to the apartments for walkability and bike-ability.

Vice Chair Levin asked for clarify if it is the Conditions of Approval, the Development Agreement and/or a Deed Restriction that would memorialize the expectations in the

applicant's Letter of Intent regarding to whom these apartments can be rented. Cari Meyer indicated that it would primarily be the Development Agreement that would be the long-term guarantee that these continue into the future. As for the Conditions of approval, since it is going to the RM-3 zoning, once the project is developed, if it was just in the Conditions, it could be a question as to whether it applies or not. The Development Agreement would be recorded against the property and would go forward into the future, so that would be the way we would ensure that it continues. Vice Chair Levin added that they become one and the same; it is a Deed Restriction. The Vice Chair then expressed appreciation that the applicant responded to the concerns raised by the restaurant next door and undertook that noise study, and then implemented a recommendation from that study regarding the type of windows that will be placed closest to that facility. She also appreciated the staff's full construct of this Staff Report, including the Community Plan checklist, which is an excellent format, and the additional research done regarding the land use density scenarios, as well as the summary of the responses, so thank you for all of the extra effort, which brought this packet to us for decision-making.

Commissioner Klein asked if the applicant agreed to install those windows pursuant to the recommendation, and Cari Meyer said yes. Commissioner Klein indicated that he agrees with Commissioner Mayer. It is a good project and we definitely need housing. Ed Conway, the General Manager of Sedona Rouge, wrote a letter in support of the project and talked about how it is difficult to get employees. He actually had a long talk with him; he told the Commissioner at an event that Sedona Rouge is down 10% from the required employees they need, and he used to run ads in the Sedona Red Rock News weekly for employees, as did Enchantment, L'Auberge and the Hilton, but he stopped running the ads, because no one was even responding to them. It is definitely a priority that we get housing, so people can work and live here, and this project would provide that. He does have some significant concerns about the traffic. He understands staff looking at surrounding intersections to conclude that there is no problem here in terms of any back-up at this intersection, but he doesn't understand that we previously got something from staff on the Schnebly Hill CFA, that says trip generation based on the ITE Trip Manual for a single-family residential dwelling is nine trips per weekday, so if there are 80 houses in this subdivision that would be 720 trips per day, so he doesn't know where the number 100 came from. He couldn't find it, so he doesn't know how big of an issue this is, but if you are talking about 720 per day from the subdivision and you are adding another 300 to that, it is 1,000 trips per day. From living in the subdivision, he can tell you that when people want to go from the subdivision, there are two exists. There is Juniper Drive and SR 89A, and if they want make a right turn on SR 89A to go east, they generally use Pinon, and to go west, they are using Juniper. He is concerned about whether or not there will be a back-up of traffic at SR 89A and Pinon, but he is more concerned about whether or not this is creating a dangerous condition and could potentially lead to accidents for people approaching SR 89A on Pinon, coming around the "S" curve.

Commissioner Klein referenced the applicant's Trip Generation Report and noted that they put out cones and indicated that the site distance at the driveway looking left to see traffic coming on Pinon is 150 ft. of visibility and that can be increased, if they prune the shrubs, to maybe around 200 ft.

Chair Losoff asked the Commissioner what the question is and the Commissioner stated that the problem is that staff says it complies with the AASHTO requirements, but they give various



measurements for sight distance. One is at uncontrolled intersections, which this isn't, but one is for turning right from a minor roadway, and it says the right-turn mover must have sufficient sight distance to permit entrance on the intersecting roadway, and then accelerate to the posted speed limit without being overtaken by approaching vehicles, and then they give the distances that they recommend, and this is on dry pavement, so if it is raining these are larger distances. He has been driving that Pinon road daily and he looks at his speed as he goes around that "S" curve; it is about 22 mph . . . Chair Losoff again asked what the question is, and Commissioner Klein stated that at 22 mph, according to AASHTO, you need 217 feet of visibility, so how is this providing that? Andy explained that this report has been updated to once the driveway was moved. On page 14, it shows there is 280 ft. of sight distance being provided at that intersection, and this is a controlled intersection – it is stop-controlled. Commissioner Klein asked what page, and Andy indicated that it is in the latest traffic report and it is based on the relocation of the side driveway.

Commissioner Mayer asked if the Commission was provided with that and Commissioner Klein stated no, we weren't; he hasn't seen that. Vice Chair Levin noted that it is a good news story. Andy explained that he just got it himself, so that is why he is trying to find things.

Chair Losoff indicated to put this traffic issue to rest, we have been concerned about it since before we started meeting, and unfortunately, we don't have this latest report, but what you are telling us is that overall from engineering's point of view, it is not a problem. Andy stated that is exactly what he is saying. The conditions, the way they were before where the driveway was located were fine according to staff's analysis and review of the information. With this new report, it actually got better. The Chair indicated he had talked with some people in the area, and they say they have never had a problem, so we just have to take it for what it is worth. Staff is saying it is not a problem and that is why we didn't go into more detail even though we were concerned about it. Andy added that in determining background traffic or existing traffic, it is very normal to not project that, but actually take traffic counts, and that is what the engineer did in this case.

Commissioner Klein stated that he is not concerned about the traffic count issue, as much as this site distance. He has the Traffic Report dated October 10, 2017, so is there a later one than that? Andy Dickey indicated that one is dated November 6<sup>th</sup> and Cari added, yesterday. The Commissioner asked if he could see it and the Chair noted that Andy had just told the Commission what it said. Andy explained that the point of this revision was to address the relocation of that driveway. Commissioner Klein then asked how the driveway is being relocated, and Andy stated it was moved further south.

**Applicant Keith Holben, MK Company in Scottsdale, AZ:** Mr. Holben explained that the driveway seen at the last work session has not changed. The site driveway traffic report analysis was not updated. Staff requested that they update the sight line distance, because the original location was moved further south, and that was based on one of the early work sessions with the Commission, so it provided the ability to accomplish two things -- create more . . . Chair Losoff interrupted to ask Cari to point out the change, and Cari indicated that the driveway was further north and they moved it as far south as they could. She pointed out the city-owned parcel and indicated that was as far south as they could move the driveway. Commissioner Klein stated that if you move the driveway south, you are moving it closer to traffic coming around the "S" curve, so how does that increase the sight distance? Andy

explained that by moving it further south, instead of trying to look into the curve, you are looking through the curve and that is how it increases the sight distance. Commissioner Klein asked how the distance was determined; did they put out cones, which you are supposed to do, and take measurements? Andy Dickey stated yes, they did.

Commissioner Klein asked if by moving the cars closer to coming around Pinon Dr., you are increasing the sight distance from 150 to 280, and Andy Dickey stated correct, by moving from trying to look from one end of the curve through the curve, you are moving into the curve and looking beyond the curve. Commissioner Klein stated yes, but then . . . Chair Losoff interrupted to say Andy has already answered that. Commissioner Klein asked if any photographs showed that, and Andy stated yes. The Commissioner then asked to put them up on the board; however, the Chair stated that he is satisfied with what they are saying and asked if anyone else wanted to go into more detail, and Commissioner Mayer stated yes. Commissioner Klein indicated that he wanted to see pictures.

Audree Juhlin reminded the Commission that, for example, with CVS that was a similar situation, there was significant concern by the residents, Commission and Council about the traffic impacts of that proposal, and CVS had significantly more traffic in impacts than this apartment complex does, and all of the concerns that were raised and addressed by our City Engineer, have not materialized. In fact the waiting time is literally seconds at the light and seldom do you have to sit more than one light or even one or two cars, so she wanted to emphasize that our City Engineer has done an analysis and is finding it to be compliant with all appropriate regulations.

Commissioner Kinsella referenced an indication that there was an agreement to install the noise-reduction windows and asked if that is going to be part of the Development Agreement. Cari Meyer stated that it would probably be more appropriate for it to be in the Development Review Conditions of Approval. The Commissioner then asked, since the ghost parking area would be approved at the staff level, is it known, if it is deemed to be constructed, if it would be a paved or gravel surface. Do you know any of that in advance? Cari stated that we don't. The Commissioner then asked how those determinations would be made, and Audree Juhlin explained that staff would work with the applicant to ensure their proposal meets our regulations and requirements.

Commissioner Klein wanted to ask a follow up question, but Chair Losoff noted that we have talked enough about traffic. The Commissioner then stated that they determined this 280 ft. using cones, but it looks like all they did was use an aerial photograph. Chair Losoff pointed out that he has to go with the experts and he tried to close off the discussion, but at this point, we can come back to that and open it up to the public, and it will give us a chance to read the materials you have and see what else we have to talk about.

*Chair Losoff opened the public comment period at this time.*

**Dell Willman, Sedona, AZ:** Ms. Willman indicated that she is a resident of Sedona and she lives on Pinon Drive. After attending the last Planning & Zoning Commission meeting, and the most recent City Council meeting, she remains unconvinced that the decision to proceed with plans for this complex, as well as the decision regarding residential density, have as much to do with increasing availability of housing as they do with allowing developers to do whatever

they want, wherever they want in this City under the guise of fulfilling the intent of the Community Plan. She is aware that the absence of a cap on the number of units per acre is predicated on the developers showing that any given complex provides diverse affordable housing in this community. At the P&Z meeting in September, the developer stated that the rents for the one-bedroom units in this proposed complex would be around \$1,200 a month. This hardly seems affordable to her, so she questions how this complex even fits the criterion of affordability. At a density of 45 units on this parcel, parking is very much a concern. Forty-five units with multiple people in each unit, most of whom will have a car, will necessitate at least 90 parking spaces for residents. Guest parking would require even more spaces. She fears that overflow parking would result in people parking on Pinon. It has been pointed out in the last P&Z meeting and at the City Council meeting that Pinon Drive is unsafe from the intersection of Cedar Lane to the intersection with SR 89A, precisely the section where the developer proposes to put the entrance to the complex. Any consideration of a complex on this parcel should require that the developer be responsible for reconfiguring that road if it is to be used for ingress and egress. Closing Pinon at Cedar could solve part of the problem, reducing the amount of traffic using Pinon to access SR 89A. Residents of Juniper Knolls could use Juniper to access SR 89A and the existing sections of "S" curves on Pinon could be removed and a straighter road, specifically designated for that complex, could be built. After the last P&Z meeting, she drove home on Pinon after dark and when she turned on Pinon a woman dressed in black was walking on the pavement, because there is nowhere else to walk. She was in front of her [Ms. Willman] on the wrong side of the street with her back to her [Ms. Willman]. She couldn't see her as she approached the curve and had she not been familiar with that road and going a little faster, she would have hit her. To make no requirements for changing the traffic pattern in order to build this complex is to invite disaster; she is against the rezoning.

**William Gunning, Sedona, AZ:** Mr. Gunning indicated that he is also speaking for his wife, Pamela, and they have lived in Sedona for more than 30 years. Their small ranch house is located on a scenic hill near this proposal. They enjoy views of many scenic red rocks from their historic western home. Their recommendation for this site is that they would be very pleased if the Mayor, City Council and Planning & Zoning Commission would reduce the density to the original recommendation of the original plan to approximately 25 units -- not 45 units. The reason for that is the sewer capacity is already overburdened at the plant, and this will create a larger problem for future Sedona, so please do not overburden the sewer plant or Pinon with traffic. It is a very dangerous condition now as some of the people have addressed already, and they would like to see that looked at a little more closely.

**Patricia Garner, Sedona, AZ:** Ms. Garner stated that she lives in Juniper Knolls. Her major concern is pedestrian safety. There are a lot of people walking in that neighborhood, and if this does pass, which it looks like it is going to, they need sidewalks, they need Pinon straightened and wider, and she agrees with everything that Dell and Bill have said as well.

*Having no additional requests to speak, Chair Losoff closed the public comment period.*

**Commission's Discussion:**

Commissioner Mayer stated he still has the same concern, and when he saw that line with the 280 ft., there is a problem with that. There is a hill, and you cannot even see 280 ft.; it is not possible, because there is a hill going up the first curve. It is that high; you cannot see.

Theoretically maybe, but you need to be in a truck, high up, in order to see that. Andy Dickey indicated that there is a vertical image of that, and that is exactly the point of putting up a cone, and in their past report, they showed putting up cones and he believes that they did that here as well, but addressing the vertical potential obstruction, there is a photo that shows there is a clear, direct sight distance with no obstruction. The Commissioner stated that there isn't; visit the site please.

Commissioner Brandt stated that regarding the traffic, he follows the lead of the specialists on this, but as a layman, if you have 200 ft. of visibility, you should be able to slow down, and if not, you are going too fast. If you think about small residential houses that are 100 ft. wide, the property is 200 ft., if you can't stop within one residential house length going at 20 mph, then you are going too fast. The street curving is mostly to make it safer; on straighter roads, people tend to go faster and feel more comfortable. He thinks the way it curves was done on purpose, 1) To keep the sound from the highway from coming into the neighborhood, 2) So you couldn't see into the neighborhood from the highway, and 3) It kind of slows you down before getting out to the highway, so it works real well. If anything, the driveway in the project is too wide. Maybe if that was narrower it could show the people coming out of the apartment complex, but then again, it is not a straight shot coming out of the complex. You have to wind around and come out, and you will be looking to see if anybody is coming.

Commissioner Brandt indicated that he appreciates the re-design of colors of the proposal from the direction that was provided at the last hearing, calming the building down and make it fit better into the trees and into the other buildings on the highway. As far as the density, he always gets a chuckle when he sees the High Occupant Vehicle lane in Phoenix, and you can have two people and it is a high-occupant vehicle, so calling this high density is kind of a misnomer. It fits all of the other requirements for height, setbacks, bulk, color, and parking is going to work out just fine, so calling it high density just makes it smaller units and more affordable. Are they affordable if you analyze it? Well, he doesn't know if that is important, diversity is what is important here, and the more diverse the housing stock makes all of the housing stock more available, and since there is more of it, it makes it more affordable. Not everybody might be able to afford this; the people that might be able to afford this are going to be finding a less expensive place, because that is all that is available, making that unit available for someone else, so this works and it is in the right spot, and it is working out fine.

Chair Losoff indicated that on the issue of high density, we went through this in previous meetings and it was approved by both this Commission and the Council, so that is not an issue for us tonight. The issue basically is only the Zone Change and Development Review, and traffic and noise have been the two major concerns, so he was glad to see the noise issue addressed, and it sounds like the Commission is pretty much in agreement with what we do with that. On the traffic, he is not a Traffic Engineer and doesn't plan to be, but he has to go along with what the experts are saying and from their points of view it is not a problem. There are some issues here or there, but from your perspective, you are telling us that you studied it and it is not necessary to go into a more in-depth study. He then asked Andy Dickey if he is hearing that correctly, and Andy Dickey stated that is correct. The Chair then stated that is all he can do at the point, so he thanks staff for the input. He wishes the Commission had gotten this report sooner; it would have maybe helped the discussion we are having tonight, but he appreciates the input.

Commissioner Klein stated that he appreciates that staff is the expert on these things; he is not a Traffic Engineer and we need this housing, but he thinks you are creating a potentially dangerous condition. In the old report, they showed photos with cones; that is how you are supposed to measure site distance according to AASHTO, and he doesn't see anything in the new report that says that they did this with cones. What they did is they took an aerial photograph, and how they came up with you would have – you are moving the driveway 40-some-odd feet south, closer to traffic coming on Pinon, so how that creates an additional 80 ft. or more of visibility, he doesn't get it. He is very concerned about it and thinks you are potentially creating a dangerous condition. Chair Losoff then asked if Commissioner Klein didn't agree with the experts, and Commissioner Klein stated that if they had put out cones and showed him photos like they did the first time that said here is the visibility and we measured it and it is 280 ft., but he doesn't think that was done. All they did was take an aerial photo and somehow conclude from that they have increased the visibility 80 ft. or more, and he doesn't get how they can conclude that. He is not an expert, so he may be wrong, but he doesn't get it.

Commissioner Kinsella thanked Andy Dickey for the additional information, and indicated that she thinks it is possible to gain additional site distance by moving a driveway. She has been in those situations where she has had to actually gauge those sight distances herself, and she knows that based on that experience, it is possible. She is not saying that we have evidence of that in a timely way, but she does think the additional information is valid, so she wanted to thank you for providing it.

Andy Dickey stated that if it helps, the whole point is determining if there is a vertical obstruction; there is no embankment there that is blocking the sight distance. There may be vegetation there, and that is a point of needing to trim vegetation, but from what he is seeing and he has been on the site, he doesn't think there is a vertical obstruction that would be. . . Chair Losoff interrupted to say that at this point, we just keep repeating the same issue and asked if there is anything new to add.

Commissioner Mayer stated that he lives there and drives there every day and people are cutting the corner, where . . . He asked to approach staff, and the Chair asked the Commissioner to remain on the dais. Commissioner Mayer indicated that it is discussion about something which is of concern, and he could go and see if his concerns and the concerns of the people who live there can be diminished. He sees that corner, he drives there; people cutting that corner, and he has been numerous times in that situation.

Chair Losoff asked staff to put it up on the screen, and Andy pointed out that staff has neglected the whole point that was made in the report that says this site distance should be based on 15 mph. That is the prudent speed here, and if you accept that, it is nowhere near needing to be this distance. Commissioner Klein asked to comment on that, but Chair Losoff indicated that he thinks we have heard the arguments, and he guesses nothing is going to change Commissioner Mayer's mind, so he asked if we can move on. Commissioner Mayer again stated that he likes the project and he sees the need for that and everything else. It is just a concern about safety and security of the people who rent there as well as the people who live there, and when he questions something, because he lives there, he drives there every day and he knows exactly what issues he has when he drives every day, because people cut the corner coming into the subdivision, and when there is additional traffic coming out

from that proposed development, then it is going create a real problem, and that is what he is majorly concerned about; that is why he is harping on it. See if there is the possibility of moving that entry a little closer to the highway. Andy Dickey commented that accepting the 15 mph advisory speed limit, the site distance should be 170 ft., and the second point is there is no embankment here. He then pointed out the place they are looking at and Commissioner Mayer then pointed to a different location, and Andy informed him that is on the wrong side of the road.

Chair Losoff stated that Andy Dickey is saying there is no problem there, and at this point we will close the discussion on traffic. He then indicated that he would entertain a motion, and Cari pointed out that for the Zone Change, staff had a proposed change to condition 2.E to read, "Priority for some of the units would be given to prospective tenants who earn less than AMI".

***MOTION: Vice Chair Levin moved to approve the proposed Development Review for Pinon/89A Apartments as set forth in case number PZ17-00009 based on compliance with all ordinance requirements and satisfaction of the Development Review findings and applicable Land Development Code requirements and the conditions as revised and as outlined in the Staff Report.***

Vice Chair Levin then noted that staff had language that would be preferred.

***Commissioner Barcus seconded the motion.***

Cari Meyer stated that for the Development Review conditions, Commissioner Kinsella had suggested adding a new condition regarding the installment of the sound windows. Vice Chair Levin stated, ". . . as revised".

***VOTE: Motion carried seven (7) for and zero (0) opposed.***

***MOTION: Vice Chair Levin moved to recommend to the Sedona City Council approval of the proposed rezoning as set forth in case number PZ17-00009 from General Commercial (C-2) to High Density Multi-family Residential (RM-3) based on compliance with Land Development Code requirements, conformance with the requirements for approval of a zone change and consistency and conformance with the Community Plan, and subject to all applicable ordinance requirements and the conditions as revised and as outlined in the Staff Report. Commissioner Barcus seconded the motion. VOTE: Motion carried seven (7) for and zero (0) opposed.***

- b. Discussion/possible action regarding a request for a Conditional Use Permit to construct a new 50' monopine wireless communication facility. The property is located at 110 Indian Cliffs Road (Sedona United Methodist Church), at the southeastern corner of the intersection of State Route 179 and Indian Cliffs Road. The subject property is approximately 8.04 acres and is zoned Single Family Residential (RS-10b). APN: 401-34-011Z. Case Number: PZ16-00014 (CUP) Applicant: Sun State Towers

**Presentation:** Cari Meyer indicated that this request is for a Conditional Use Permit to construct a wireless communications facility as a monopine at the Sedona United Methodist

Church. Cari identified the location of the subject property and indicated that the applicant is Sun State Towers, and Michelle Lamoureux, their representative, is present. The property is just over three acres and currently used as a church, but zoned as single-family residential. Cari showed a vicinity map of the subject property and surrounding area, and an aerial photo showing the proposed location of the tower.

Cari stated that the Church was originally constructed prior to the City's incorporation, but there have been a number of changes over the years, with new additions to the Church, including new buildings, parking lot expansions, and there is an existing wireless communications facility in the wall of the Church. They have also gotten some other approvals amending their Conditional Use Permit a number of times.

Cari explained that the proposal is for a new 50 ft. monopine wireless communications facility, and it is being reviewed under our current Article 17, the Wireless Communications Facilities Ordinance, although this section of the Code is undergoing a revision, but it has not been approved, so we are using the existing Ordinance. This Ordinance requires these types of facilities to obtain approval of a Conditional Use Permit. As part of that review, these applications are reviewed by the City's wireless communications consultant, CityScape, for compliance with our regulations, as well as any applicable state and federal wireless regulations. Their report was included in your materials, and they are recommending approval of the application subject to the conditions outlined in that report.

Cari pointed out that the site plan shows the area being used for the new monopine and the elevations show what the monopine would look like. They resubmitted once, and one plan showed the monopine at 55 ft. and one showed it at 50 ft., so one of the conditions would be that it would be limited to the lower height of 50 ft. The applicant has also provided some photo simulations. View 1 is taken from the area to the east of the proposed site and View 2 would be from Indian Cliffs Road in front of the residences, and [View 3] is from the entrance to the parking lot where the building and existing vegetation hide the majority of the tree, and then View 4 is from the back property line of the houses that adjoin the Church.

Cari indicated that based on CityScape's review, the proposal meets all of the City Codes with the exception of the setbacks, so without a breakpoint, cell tower communications facilities are required to be 150% of the tower height away from a residential lot, so for a 50 ft. monopine a 75 ft. setback would be required. Currently, the monopine is only 43 ft. from the nearest residential property, which is the one to the southeast. CityScape did identify one area of the site that would meet the setback requirements; however, that would be more visible and would be closer to the existing residences, and in an area identified as an area of interest to a local Native American tribe, so that location created some issues. The Code does allow cellular wireless facilities to be designed with a breakpoint, where if the tower were to fail, it would break part way down the tower instead of at the base, so it would not fall on a neighboring property. In that case, the Code states that if it is designed with a breakpoint, the setback is 110% of the distance from the top of the tower to the breakpoint, so for this monopine to be compliant, it would have to be designed with a breakpoint of no more than 39 ft. from the top of the tree, and that would allow it to meet the requirements for setbacks with a 43 ft. distance from the nearest property, so that is included as a recommended Condition of Approval along with a number of other items that are standard for construction of the monopine.

Cari indicated that the applicant completed a Citizen Participation Plan and staff completed public noticing. All of the comments received have been provided in the packet, and a number of the comments regarded impact on views and the aesthetics of the tower. Other comments regarded items that we cannot review, so we are not summarizing those.

Cari stated that as outlined in the Staff Report, staff has determined that it meets the required findings for a Conditional Use Permit, and as reviewed by CityScape, as conditioned this application meets the requirements for wireless facilities. Any outstanding review agency comments would relate to future requirements, such as for construction, etc., so staff is recommending approval of this Conditional Use Permit, subject to the specific Ordinance requirements and the Conditions of Approval, and the applicant's representative is present. Chair Losoff asked the applicant's representative, Michele Lamoureux, to come to the microphone.

**Applicant Michele Lamoureux representing Sun State Towers, Gilbert, AZ:** Ms. Lamoureux indicated that Sun State Towers is proposing a 50 ft. monopine to be built here. It will be co-locatable. Currently, they have an agreement with Verizon to go on this site, but without building additional structures, it will be available for any additional carriers to go on it as well.

**Commission Questions and Comments:**

Commissioner Barcus expressed interest in the breakpoint, and asked if it is feasible to engineer the monopine with a 39 ft. or less breakpoint. Cari Meyer indicated yes; from what she has been told by the applicant, yes, and they have also provided a letter from their engineer stating that they will be able to do that. The Commissioner then asked if CityScape had provided any advice on breakpoints. Cari stated that CityScape has stated that they will review the plans, that are submitted for construction, for compliance with all conditions.

Commissioner Mayer indicated that he looked into it and looked at the images of various cell towers, and they look pretty fake – those pine trees. There is one you can see up in Flagstaff at the marketplace, the mall area. His question is there is a lot of money involved in it isn't it – the rent, the lease? Michelle Lamoureux stated that as far as . . . she doesn't understand. The Commissioner repeated the rent, the lease; it is like he makes about \$2,000. Robert Pickels Jr. pointed out that is not relevant to the discussion. Commissioner Mayer then stated that he was just wondering why churches are . . . anyway, whatever.

Chair Losoff stated that the only issue is that they are applying for a CUP and the Commission can't necessarily get into the financial concerns. Commissioner Mayer stated yes, but 50 ft. is an issue to him, especially with the views you have coming from SR 179 driving toward Sedona, it is going to be visible. Obviously, it is going to look fake, no matter what you do. That is his concern.

Commissioner Brandt asked staff to remind the Commission as to what we can and cannot review. He thinks staff said there are other things, but they are not reviewable, so we are not going to have them on the board. Cari Meyer indicated that it is mainly things regarding radio frequency concerns and that sort of review. Those are the main ones, and there were some on the impact on the views that the monopine could have. All the comments were provided, but things like concerns regarding radio frequency, we cannot review.



Commissioner Brandt noted that some of the information was dated last year, and Cari explained that the application was submitted about a year ago, and it was forwarded to CityScape for review, and they worked with the applicant over a number of months to make sure all of the application documents were complete, and that they had all of the information they needed, and then the issue with the Native American tribe came up, so the project was put on hold for a number of months while they worked with that tribe, and the applicant can speak more to what went on there, but in finding a location that was acceptable to the Church, the tribe and the different requirements, we have been working on it for about the last year. A lot of that has been CityScape looking into making sure all of the appropriate information had been provided and all of their questions had been answered.

Commissioner Brandt stated that within the work sessions of updating the Land Development Code for towers, there has been an indication that in the future smaller and more smaller towers would be the general direction that the industry was going, so is there any reason why we are seeing a 50 ft. tower and how was a 50 ft. tower determined to be what is necessary? Cari Meyer explained that would probably be a question for the applicant; we react to the applications submitted. Ms. Lamoureux stated that the RF Engineer was present, and she asked that he respond to that question.

**RF Engineer Steve Kennedy, Goodyear, AZ:** Mr. Kennedy indicated that he is the Radio Engineer that helps with Verizon, doing consulting, as well as Sun State Towers. The reason you are seeing a 50 ft. tower with a 41 ft. antenna centerline is basically the area of coverage. The area of service that this site is going to cover is a much larger geographic area than what you are referring to in the small cells. If you go to downtown Phoenix, every block there is a street light and about every two blocks there is a small cell, because it covers about 500 ft. to 1,000 ft. It is a very small area; the shorter the antenna, the lower the service area much like what you have in here, where you have areas where you are sitting above and higher than the chairs in front of you, and you can see those chairs better than they can see up to you as well. If you are lower, you are in the area where you are not going to be able to propagate out and the site is not going to cover as far, so the distance between sites is anywhere from 10 to 15 miles. There is one at Sedona airport and one south. The area of coverage or service there is so large, there has to be a little bit higher height. The positive thing is there are higher terrain areas, so you can get taller, but you have to be able to cover from site to site. The main part of this site is capacity; the ability to process calls. The area is so busy with so many consumers, users on the system, the amount of throughput per user is drastically lowered to where we need additional capacity.

Chair Losoff asked if the height also determines how many vendors can go on there, and Mr. Kennedy replied yes, sir. If it was a taller tower, it could have more operators on the tower, but the lower height restricts that because the lower the antennas go, the smaller the area they are going to cover, so for each carrier to be on it, they have to have enough height for those antennas to see the environment around them.

Vice Chair Levin asked if color, in addition to aesthetics, location and setback requirements, is a consideration that the proposed Article 17 addresses. If so, that is one of the issues, in addition to blocking views and the height of the pole itself; color was raised as a concern that it didn't blend in, so she was curious to know if there is any flexibility. Audree Juhlin explained that in Article 17, it talks about concealed towers and the requirements, setbacks and

construction aesthetics are part of them. When you have ground-mounted equipment, we can get into what color those would be, with concealed, you typically don't get into the colors, because of the nature of that concealed tower. When you have a monopine or monopole, you would have better ability to choose a color that better matches the surrounding area, with the pine you don't have that same . . . Vice Chair Levin interjected that when the word 'facilities' is used, it is typically the ground unit. In this example, you can't change the color of the pine tree. Audree Juhlin indicated that is correct.

The Vice Chair asked about the issues that arose around the adjacency of tribal lands, and Ms. Lamoureux stated that she can also address the color of the monopine for you. We can use a more variegated green color, so it is not just dark green. Some trees have more brown and yellows in the pine needles, and they are more than willing to work with the landlord and provide them a couple of different tree options, so they can choose from that tree option. They are happy to do that and she is sure the Church is willing to get the most natural-looking tree for this particular area. In Tucson, Aleppo Pines are more native to that area. They are a sparser tree, but that is what you see more of in that area. They work with Larson Camouflage extensively, and they have developed an Aleppo Pine to blend in more. It is difficult with the photo simulations, because the people that do them have a standard pine tree that they use for their photo simulations, but we have made great strides in what you want to look at as far as a pine tree. Obviously, it is a little less perfect and you do have 7 ft., 8 ft. and 10 ft. branches rather than just a perfect tree, and we are certainly willing to do that.

Ms. Lamoureux added that as far as the tribal concern, the original location that met all of the setbacks . . ., they have to go through extensive reviews with the tribes, FCC and FAA, and they discovered some arrows and broken pottery in the original area, so they asked if the tower could be moved, and when they moved it, they did their review, but there will be archeological monitoring on site when they dig.

Commissioner Klein stated that this is being decided under the current Land Development Code, Section 1703.03, Approval Criteria, that says that in considering any application for a Conditional Use Permit, the Commission's decision shall be guided by the application of the following criteria: A. Use of suitable existing towers or other structures is preferred over placement of new antenna-supporting structures. He then asked if there are any existing cell tower structures in this area that could be collocated on, instead of having this new 50 ft. tower. Cari explained that part of CityScape's review was asking the applicant what other sites they looked at and whether the existing facility at the Church could be collocated, but the Church did not want any additional facilities on their building, so that is not an option, and they did look at a couple of other sites, but opted to go with this one, and that was outlined in their report as well.

Commissioner Klein stated that he can't remember from the CityScape report if they discussed the issue of whether or not there are other existing sites in the area that could be collocated on, and Cari stated that was part of CityScape's review and there are no others; they determined that it was appropriate to build a new monopine in this location.

Commissioner Klein referenced the breakpoint and indicated that staff said the breakpoint cannot be located more than 39 ft. from the top of the monopine, and he then asked if that means the breakpoint could be at 11 ft. above the ground on a 50 ft. tower, and Cari stated

yes; however, Ms. Lamoureux clarified that it can't be engineered; the smallest fall area that they can guarantee, and it is in the engineering letter, is the 25 ft. radius, so you can engineer a 50 ft. monopine to fall in a 25 ft. radius. She is not sure exactly where they put the breakpoint, but that is the fall radius.

Commissioner Klein asked if the 50 ft. tower breaks, it is only going to fall 25 ft., and Ms. Lamoureux indicated that is right; basically it will collapse down as opposed to fall over. The Commissioner then asked, if you build a breakpoint, are they guaranteeing that it is going to break there or is it possible it won't break there and the whole thing could still fall over. Ms. Lamoureux stated that they engineer it to do that; she supposes in some extreme circumstance that it could still break at the base. She would never say never; however, that is how it is engineered, and it is engineered to withstand extreme conditions, and those conditions are outlined in the engineering letter.

Commissioner Klein referenced the current Land Development Code, Section 1704.01, and indicated that it says that the radio frequency emissions shall comply with FCC standards for such emissions, and since this is a Conditional Use Permit that we can put appropriate conditions on, in our revised Land Development Code and Wireless Communications Plan, we are going to require that a cell tower like this be tested every two years to make sure that it is not emitting more radio frequencies than permitted by the FCC. He then asked if we should be putting that same requirement on this tower. Robert Pickels Jr. pointed out that is not a legal question; that is an operational question. The Commissioner asked why we shouldn't; the people are concerned about the radio frequency emissions. We can't deny placement of a tower because of that, but we can require testing, because that is proposed in the new plan. If we are going to approve this 50 ft. tower, we should require them to do the exact same thing that we are going to require under the new plan. They have to have certification at the time of completion that it complies with the radio frequency emissions allowed by the FCC and that every two years they have to have testing by a certified Arizona engineer to say the tower is still in compliance with the FCC requirements.

Chair Losoff asked if that could be a Condition of Approval and Robert Pickels Jr. indicated that the Commission could; he would just qualify it to say two things that are of a legal nature. One is the Telecommunications Act does not allow cities to impose anything beyond what is required by the FCC in the form of compliance, and that typically is done in the form of a Statement of Compliance by the wireless provider or the developer, so that being said, you have the authority to impose conditions on the Conditional Use Permit. Vice Chair Levin stated that she would support that.

The Chair then asked the applicant what they think, and Mr. Kennedy stated that typically when a site goes into service or any modification is done on a site an RFE or RF Safety Compliance is done as a matter of business. OET is ran by the FCC and all wireless transmitters, no matter who they are owned by, are relegated to be able to follow the safety rule. As a matter of fact, any carrier, if it is a new service or an additional channel is being added or an antenna is being changed or anything has to be checked, and it is part of the standard operating procedure within each carrier to do that. RF safety is very important. Chair Losoff then asked if Commissioner Klein is suggesting that we do that and make it a Condition of Approval, and the Commissioner stated yes. The Chair then asked the Commission if there were any objections to having that as a Condition of Approval, and there

were no objections. Vice Chair Levin again indicated that she would endorse it. The Chair then indicated that the Commission wants to incorporate that into the conditions.

Commissioner Kinsella thanked Commissioner Klein for bringing that up, that was a great point and she is happy to see this go on as a condition, so she has no questions based on that one being answered.

*The Chair opened the public comment period at this time and indicated that certainly everyone can say what they want to say, but if you have heard somebody say the same thing, you can just say 'on record', and we will go from there.*

Chair Losoff stated that he first wanted to back up. Earlier on the agenda we had item 3, Public Form for items not on our agenda, and there was one card that got lost in the shuffle. Kerry Richardson wanted to talk about smoking in parks, sidewalks and city parking. He left so we aren't able to get him back on for a public forum, but for the record, Kerry Richardson did want to talk about smoking in parks and in the various public areas.

**Reverend Fred Mast, Pastor of Sedona United Methodist Church:** Reverend Mast indicated that he knows this has been a great subject of disagreement, consternation and conversation around Sedona, and he appreciates that. There has been much conversation and the question was asked by Commissioner Mayer as to why a church would consider putting a cell tower in, and he assures you with their budget, this is a drop in the bucket. It is not about money; their trustees met several times. They are a community partner, and he knows the Fire Department relies on cellular phone service immensely. There are hikers in the area right around the Church every day; they park in the parking lot and do not have cell signals out there. They couldn't call if they had a heart attack or emergency. Walking around the Church, you saw what happened at a church in Texas this past weekend, and it is a safety issue. He can sit in his office and drop calls consistently with Verizon Wireless. He has Verizon and if he is walking around the Church, in most of the areas, he has no service, and in many of the areas on the property he has no service. Coming up SR 179, he drops calls all the time. He is on wireless and on Bluetooth, so he knows he is not supposed to be talking, but he deals with emergencies constantly. This is much more than about just greed; it is not greed at all from the Churches' perspective. They are a community partner and take it seriously. They have heard the community responses and have also worked hard with the contractor and told them that we have to make this as aesthetically pleasing as we possibly can for the City of Sedona. Like it or not, building and development has happened in the City of Sedona. He wishes we didn't have power lines and houses up on the mountains, but we do and we all have cellular phones in here. He believes everyone could pull one out. They have also been told that the congregation has no idea about this. There are several within the audience tonight from the congregation that are here. They have not hid it from anybody; it has been public. It has gone through all of the approvals. They notified the public as soon as they possibly could. With contracts, you can't notify and have meetings prior to that, but thank you for the time and thank you for your consideration

**Michael Givler, Sedona, AZ:** Mr. Givler indicated that he didn't want to be redundant to what the pastor said, but his biggest concern is the fact that we have a lack of cell service in the Church itself. He is there at least once a week and usually two or three times a week, and he gets calls and cannot take them inside the building. He has to go out in the parking lot and

even then sometimes he loses them, but his biggest concern is, and Pastor Fred mentioned the fact of what happened in Texas just last weekend, and that could happen in any church in this country. They have no way of contacting authorities if something happened or calling 911, unless they run out someplace. The other big concern is that he is an usher at the Church, and part of their duties are if somebody collapses or has a problem during or before or after a service, they need to be able to get ahold of emergency people, so to be able to call 911, and get somebody out there; they need to be able to use their equipment within the Church where the person might be and that is not possible under the current situation.

**Eugene Chandler, Sedona, AZ:** Mr. Chandler stated that he lives in the Chapel area, and from his perspective, it is all about the things they mentioned about safety, the reception they need in that area, and that the views are not going to be impacted. There are trees that have grown up in the last 12 years that are now blocking his view, and that is just the way things are. You buy a house and have a view, and then maybe it is impeded later, so he is all for this tower for the safety reasons, the convenience, and the emergency use. If it wasn't placed there, it is going to be placed someplace else and there would be another group of people that would come and complain, so you are always going to have somebody that is complaining, but they need the tower.

**Dennis Hackett, Sedona, AZ:** Mr. Hackett indicated that he lives in the area, and he is a little dismayed over the Church's comments so far, in as much as, all they had to do was produce a little loyalty to AT&T. It has been their roof antenna since the beginning. The Church needs a name change; it should be the Church of Telecommunications, and whatever is profitable. From what he heard tonight, you are not only looking at Verizon raising a tower, but Verizon is looking at renting out the tower to other telecommunication facilities. We're looking at right now, you can go to a certain spot between the roof and wherever the tower resides and come up with an instant 10. The people around them, up and down that little stretch are worried not only about their views, but their health. They also are well aware of the fact that when these sites go up, the property values go down. He has a mother who lived on Pinon Drive from 1985, and the City Manager bought her house; we ought to move the tower right into your subdivision and see how that comes down the pike. Not only will it make your drive a little different, but it might turn around and turn your head a bunch. He is trying to sell a house; he wants out. This is stupid. You people spent a bunch of money turning around trying to find sites that would be adequate and out of the community residential areas and these people are putting another one smack dab in place. What is the point? You have been talking about this thing forever; you've turned around and spent money on where to place these things, so that they don't interfere, and yet we've got a church. Are they getting a business permit? Are they being taxed on this? This is a business enterprise; it certainly isn't a church enterprise. That's it; he thinks his time is up. That is how the residents feel.

**Sharon Blankenship, Sedona, AZ:** Ms. Blankenship stated that she is directly across from the Church, and the Reverend may come and use their phone or her cell phone anytime. They get service, so she doesn't know what the problem is. She sees the police and the sheriff and the fire department pulling in and sometimes just meeting there in the parking lot directly across from her house. If they don't have communications, why are they sitting there if they can't communicate with someone else? Speaking of communications, they have been in Sedona for 17 years and this is the only house they have lived in. It is a wonderful neighborhood; the people take care of their property. They pay their taxes and want to be part of the

community, and they have been good neighbors to each other and to the Church, so she dittos everything that Dennis said, and she is also concerned about the look of this tower, since everyone seems to be so concerned about the aesthetics. If you want to see a ridiculous tower, go down to approximately Bell Road and 56<sup>th</sup> Street in Scottsdale. They tried to put in a tower that looked like a palm tree. Now if you want a laugh, go down and look at that tower; it doesn't look very much like the concept of a palm tree that we or a child would draw, and she is a retired teacher, so she has looked at a few palm trees and pine trees in her time. She thinks her time is up. Would you consider this, because other neighborhoods, as time goes on, are going to have similar complaints as them?

**Brian Henry, Sedona, AZ:** Mr. Henry stated that he is a Sedona resident. He stays on Cathedral Rock Drive. He knows about Sedona quite a bit; it has been a great experience living here amongst everyone and it has been kind of like a research study for himself also. He comes from Atlanta, Georgia, which is like the biggest growing city in America. When it comes down to cell phone towers; there are so many that is like hunting for a beetle, like a punch bug. You see them in traffic, and it is like hey there is another one; there's another one. He had one in his community and it definitely was there until it wasn't there anymore. After a while of seeing it, it changes, but besides that, let's talk about the key points. He is kind of like everyone's son or grandson in this room, as far as his age is concerned. He is kind of like middle school. He is not new school and not old school, but he can kind of bridge the gap and show you the relevance of all of this technology and how you can apply it to your life. Let's just talk about face time. He has a daughter who lives in Atlanta, Georgia 2,500 miles away, and he would love to face time Olivia every day, so we could have more than just a conversation over the phone, but his cell phone drops every time. It cannot process the video and the analog, so to be able to have this phone call with Olivia every day, when he gets home from work or to be able to see her would be awesome, but that is just a small thing. Let's talk about upgrades. Every year with technology there are upgrades applied with nanotechnology, and nanotechnology is making something big really small. We talk about this really big tower and, in a couple of years, it is going to be small. Let's talk about aesthetics, when it comes down to aesthetics he has seen his Mom (audio unclear) a regular pine tree for Christmas or a fake pine and she does it where it makes him be in awe, like Ma, I love you. There are types of material in the world where we can make this look real. All we have to have is more of these trees and more years with applied technology to make it work. Let's talk about emergency phone calls, not calling out, but calling in. This is important.

**Kimberly Lillyblad, Sedona, AZ:** Ms. Lillyblad indicated that there were a couple of things that came up for her here. One is how much money they are being paid each month for the cell service, and then she wanted to address this gentleman who came up and spoke and said that you are installing a Master Wireless Plan so this wouldn't happen, and she wanted to let him know that she lives in a private residence by the creek in a historical district, and she is on their list for a cell tower site. She has been to – this will be her third or fourth time talking. They are doing this through a lift station. They are trying to propose to put a cell tower on a private road in her private neighborhood on the side of a hill. So to her this is not an alternate. The Master Plan is not alright with her until 11 Newcastle Lane is removed from the list, and she will continue to come to these meetings and make it aware that the City is pushing her neighborhood under the bus, and we are not even near the bus station. We wouldn't even be called on this, and what is happening is that they are taking the money away from her, because she could put in an application just like the Church did, and she could

collect that money every month, and she could sure use it, because if the City puts a cell tower less than 100 ft. from her door, she doesn't know that she will be able to live there. It will destroy everything that she has been building; her property values will go down, and she is not even on a right-of-way road. Thank you; she appreciates you hearing her.

*Having no additional requests to speak, Chair Losoff closed the public comment period.*

**Commission's Discussion:**

Chair Losoff stated that the City is being accused of doing these things, but it is not the City. There is a federal guideline that says these things have to be done. What the City is trying to do is minimize or limit the impact. We don't have too many choices. The Federal Government has some very strict guidelines saying you must do these things and the state government has not helped, because they have also mandated where some of these towers can go, so our ability is very limited. All we can try to do is minimize the impact for whatever it is worth.

Commissioner Klein indicated that he had a question for the tower company, and then asked if the Church would allow it, could you co-locate on the existing tower and get the same result. Ms. Lamoureux stated that the existing site is stealthed on the site; it is not co-locatable. The Commissioner noted that a member of the public said that when you put these cell towers in a residential area, the property values go down, and then asked if staff knows if that is accurate. Cari Meyer stated that staff does not have that expertise.

Commissioner Brandt indicated that one of the examples presented for the Wireless Plan update was the Church of the Red Rocks and the short tower that is there is 20 ft. tall or something like that and it is on top of a hill similar to this tower, and from this Church to the new firehouse, the church he is talking about is about the same distance away, so it is just down SR 179. You have to go looking for it and really go up to that parking lot to see it. He guesses another question is why we have to look at something that is 50 ft. tall, when there are other options available that are demonstrated in this same district, same hilltop kind of situation. Mr. Kennedy explained that once again, it depends on the coverage area; he is not familiar with the Red Rock site that you are speaking of. Commissioner Brandt stated that it is about the same distance away and asked if Mr. Kennedy is familiar with the firehouse. Mr. Kennedy stated no, sir. The Commissioner explained that it is about two miles away, and Mr. Kennedy asked if it is on a higher elevation and the Commissioner indicated that it is elevated similarly to the site being considered tonight. Mr. Kennedy explained that a couple of things to take into account is that this is a capacity site more than a coverage site, so it is taking existing users or users attempting to attach to the network and trying to process their calls. That is the first aspect of why this site was even designed; it was for capacity offload of existing services. The second part is each site, in and of itself, is a different site. Not being totally familiar with the area, the fire station you are speaking of, depending upon how tall the hill is, what their service requirement was for that operator and what area that site is having to cover – if it is a smaller area geographically than what this site is having to cover, they are able to get away with a lower height. Due to the area or square miles this site has to cover, they had to go with a higher antenna centerline to cover the amount of area they need to offload the traffic from the site to the north and the site to the south.

Commissioner Brandt indicated that Mr. Kennedy is making it sound as though there isn't any cell service in that area, but obviously we know there is cell service. It is not a brand new part

of town. It is not a new development; it has been there longer than cell phones have been, so it seems as though – those fake trees, do those come in multiple heights? Mr. Kennedy responded yes, sir. The Commissioner then asked if they can get them to look like a juniper tree, and Mr. Kennedy indicated that the highest tree he saw was in Atlanta, Georgia and it was a 100 ft. monopine. Commissioner Brandt indicated that if you have noticed the the forest here is stunted; it is a pigmy forest and that is why you can see the views so well, because the trees are so short. He wonders if there are any of these types of trees that are shorter than 50 ft. Mr. Kennedy stated that a tower can be built shorter than 50 ft. Commissioner Brandt then asked if it could be disguised as a tree shorter than 50 ft., and Mr. Kennedy repeated if a monopine can be built shorter than 50 ft. – yes. It is dependent upon the design need of the site. If a tower is needed to be shorter or taller, it can be adapted to every situation. Commissioner Brandt stated that it is not as though it is a model that comes out of a box and this is the height that it has to be; it can be customized. Mr. Kennedy added depending on the need, but remember we discussed capacity versus coverage. You are right; there is existing service within the area. What this site was designed for was capacity; the amount of users in the area utilizing the site to the north at the Sedona airport and to the south are beginning to overwhelm this site, so the quality of service is lowering and the amount of throughput per user is decreased significantly, so we cannot provide the level of service that needs to be provided.

Commissioner Brandt indicated that Mr. Kennedy stated that the tower has to be elevated for the broader coverage, so can you tell him how high above the highway the bottom of the tower is? Mr. Kennedy stated that the base ground elevation at the tower based upon the survey – he is seeing 4,267 ft. is the ground elevation at the base where the tower would be located. The Commissioner then asked if Mr. Kennedy knew the elevation of the highway, because the highway is about level through there. Mr. Kennedy responded that they don't have the highway elevation. Commissioner Brandt then stated that means that you didn't take into consideration the existing height of the hill when you were determining how big of a tower you needed. Mr. Kennedy indicated that they do take that into consideration. The propagation modeling tool takes into account the base elevation of the location they are at, based upon the terrain in the area down to a five meter resolution. It also takes into account how high we want the antenna to go, the frequency at which the radio transmitter is working as well as the power. It propagates in a theoretical environment what the site is going to do, and then we use drive testing to verify the existing site's coverage and maximize that model. Commissioner Brandt stated that he guesses that he can't argue with that.

Commissioner Brandt then asked why didn't we see a photo illustration from the gateway into town where most people would be seeing the cell tower while driving along the highway, and Ms. Lamoureux explained that when they did the neighborhood meeting, the primary concerns seemed to be from the neighborhood . . . an interruption from the audience prompted the Chair to tell the audience that if it happened one more time, everybody would be asked to leave, so please try to respect our decorum. Ms. Lamoureux then continued to say that they did the photos from the neighborhood. She then identified a photo taken from a resident's balcony, so if they were contacted by a resident, they tried to address their concerns and do photo simulations for them from their residence, and they did do several photo simulations for residents that asked them. Commissioner Brandt asked if the City of Sedona wasn't concerned about what the view would look like on the entrance to the City,



and Ms. Lamoureux stated that they were not requested . . . ; they did several photo simulations from the requests they had.

Commissioner Mayer asked if they know of any similar city or town like our demographics with the surrounding -- like Aspen or Vail that have a 50 ft. camouflaged pine tree. Ms. Lamoureux indicated that Telluride and Vail both have monopines. Commissioner Mayer asked located where, and Ms. Lamoureux stated around their resorts to service their needs; she couldn't tell you exactly where they are, but she does know there are several in the area. Commissioner Mayer stated that Aspen doesn't, but anyway -- why does everything have to be maximized in regards of how many additional providers are going to be on that tower and all that stuff. He doesn't understand that we couldn't have shorter, more cell towers rather than a 50-ft. cell tower. He has seen all kinds of stuff where a saguaro is 50 ft. and doesn't exist. He really has an issue with this and especially with listening to the neighbors. We went on a field trip for possible sites owned by the City or with city access, and why couldn't it be in one of those sites, which are close to the Church as well. Ms. Lamoureux asked if the Commissioner is asking why it couldn't be shorter or smaller, and Commissioner Mayer stated yes, more shorter ones in some different locations. There were locations or sites which the City took us on a tour rather than right there at the Church, when it comes right at the entry into Sedona. It is like 50 ft.; it is just . . . Ms. Lamoureux explained that most of the view will be blocked by the Church; the top of the tree will be what is . . . Commissioner Mayer interrupted to ask how high above the Church, and Mr. Kennedy indicated that driving by, the road is about 20 ft. to 30 ft. lower than the Church, and Cari agreed. Mr. Kennedy then stated that if you have the baseline and you are looking up at an angle, you are probably going to see maybe 10 ft. to 12 ft. of the top of the tree. Commissioner Mayer stated that he thought the Church is about 30 ft. tall, so you are going to see a lot more than that. Mr. Kennedy again explained that you would see less, because of the angle up. As you are moving in, you will see less of the top . . . Commissioner Mayer again interrupted to ask about the neighbors; he heard concerns about the neighbors. They are going to see the full height of that tree. Ms. Lamoureux pointed out that they have done photo simulations from the neighborhood for the neighbors, and for all of the ones that contacted her directly, they also have done additional photo simulations for them.

Chair Losoff asked staff to put up the criteria for a Conditional Use Permit, and Commissioner Klein stated that they give a bunch of measurements and say the top of the new monopine branches is 55 ft. Ms. Lamoureux clarified that it is 50 ft.; however, the Commissioner stated that was your original proposal, so he is looking at what was originally there and based on that . . . Chair Losoff stated it is 50 now, and Commissioner Klein indicated that when you look at all of the heights listed, it says the centerline of a future carrier antenna is 31 ft., and right now it says the centerline of a new Verizon antenna is 41 ft., and it said the top of the new monopine branch is 55 ft., so if you lower that 5 ft. and cut out the ability of a future carrier to collocate on this antenna, couldn't you shorten this antenna by 15 ft. and still achieve the same result that you want to achieve now? Mr. Kennedy explained that based on the modeling and the current drive test coverage of what is going on, as well as the capacity needed, when the engineering staff looked at it, 41 ft. was optimal for this type of site. They actually started, when the original search ring went out, looking for a 70 ft. centerline. Commissioner Klein stated that you are saying that a future carrier could go on here and the centerline of their antenna would be 31 ft.; he assumes that if a future carrier is going to go on here and their centerline is 31 ft., you would think that would be sufficient for the future

carrier, so if it is sufficient for the future carrier, why wouldn't it be sufficient for Verizon. Mr. Kennedy again explained they wanted to get the height to be able to cover and provide the capacity needed for what they have seen in the area, to add that additional carrier is a fact of typically whenever any wireless carrier or tower company builds a tower, they try to make it capable of handling multiple tenants. Once again, it is the same concept; the lower you go, the less coverage you are going to have, because it is going to get farther down into less coverage. They are not going to be able to see as far; the same concept where you are sitting up a little farther than the people in the chairs. The Commissioner then stated that what they are proposing is that a future carrier could collocate on this tower, and they are not going to get as good of a result as you are. Mr. Kennedy replied that they may not, that is correct, and Ms. Lamoureux added that every carrier has different requirements and every carrier may have different needs, so another carrier may be able to satisfy their current coverage or capacity needs at a lower centerline

Chair Losoff reminded the Commission that we are not here to determine what the carrier's motive is or how many will go on there; we put up the criteria for the Conditional Use Permit and that is what we need to be concerned about. If we think there is going to be too many carriers or other issues, then we judge it against our criteria for the Conditional Use Permit, so maybe we should put our attention more to the criteria than the things we are talking about.

Cari Meyer pointed out that they are proposing a 50 ft. monopine; however, the Code does allow up to a 90-ft. tower, so they are quite below the maximum height allowed by the City, and in addition, the City's Wireless Ordinance states that new monopines and facilities like this have to be designed to be co-locatable, so they do need to design it to accommodate at least one other carrier. Robert Pickels Jr. added that the applicant has identified through their design what their needs are, and if we take any action to reduce the scope of the project after they have described their needs, we run the risk of violating the Telecommunications Act, which says that we can't prohibit service, and one of the criteria is that if they have identified a gap in service and this is how they are going to fill that gap, and we require something less of them, then we run the risk of violating the Telecommunications Act.

Commissioner Mayer asked how many more carriers they anticipate to have on that tower. Ms. Lamoureux stated that it is currently designed for one additional carrier. Commissioner Mayer then stated, but it could be how many? Ms. Lamoureux repeated that it is currently designed for one additional carrier. The Commissioner stated that if you go and upgrade, how many carriers maximum, and Ms. Lamoureux said two carriers and Mr. Kennedy added, under this stress load the way it has been designed. The Commissioner then stated okay, it cannot be upgraded above two carriers, right? Mr. Kennedy explained that you could replace the tower and the Commissioner asked with a higher one or what, and Mr. Kennedy said it depends on the . . . Chair Losoff interrupted to say that the Commission is not discussing that tonight; we are discussing a Conditional Use Permit for the 50-ft. monotower. Commissioner Mayer stated that he is just asking what the future could bring; okay, so two carriers for right now. Mr. Kennedy stated yes, sir.

Chair Losoff added that he wishes that the Commission could get into a lot of these other areas, but it has been pointed out that it is not the City driving this; it is not the City mandating this. It is mandated by the Federal Government and the state as to what can or can't be done, and the Commission has very little room for maneuvering, so if we turn our attention more to

the Conditional Use Permit and see how that fits, we would all be able to adjust to it. Having no additional questions, the Chair then indicated that he would entertain a motion.

Cari Meyer pointed out that based on Commissioner Klein's comments and kind of going with the language in the Wireless Ordinance amendments, the additional condition would be, "The wireless communication facility owner shall submit a report to the Department of Community Development certifying structural and electrical integrity, as well as continued compliance with RF exposure standards specified in OET-65, upon activation of the facility and thereafter once every two years on the anniversary of the Certificate of Completion.

Commissioner Klein asked if she is taking that language from the proposed Section 1708 and Cari indicated from the Assistant City Manager's Memo for the next item. Vice Chair Levin stated that she would like to make another revision suggesting another one that the applicant shall modify the color of the monopine to reflect adjacent tree colors. Commissioner Klein then stated that he wants to make sure that we are clear that you are going to put the entire language of the proposed 1708 in the conditions, and Cari stated, with the exception of what is in the parentheses where it says 'other than amateur facility owners', yes. The Commissioner then wanted to know if she was putting in a, b and c as it states under 1708. The Chair noted that all we are asking for is a review in two years, and Commissioner Klein agreed, but stated that the language that is set forth in 1708 in the proposed Land Development Code -- he wants to make sure we are using that language.

Karen Osburn stated that just to articulate what letter c. says in 1708, it says the City may conduct periodic inspections with the cost of each such inspection paid by the owner of the wireless communication facility, as provided in the fee schedule of the City of Sedona. To ensure structural and electrical integrity, the owner of the wireless communication facility may be required by the City to have more frequent inspections if there is evidence that the wireless communication facility has a safety problem or is exposed to extraordinary conditions.

The Chair then asked if the Commission is okay with all of that, and no objection was expressed. The Chair stated that he thinks we have spent enough time on this, so he will entertain a motion.

***MOTION: Commissioner Brandt moved for approval of case number PZ16-00014 (CUP), Monopine Wireless Facility at Sedona United Methodist Church, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the Staff Report and as discussed this evening concerning 1708 and also the tree color matching the native trees. Vice Chair Levin seconded the motion.***

Commissioner Brandt stated that one thing to discuss was if that is an adequate motion to include the amendments, and Robert Pickels stated that it was. Commissioner Mayer then asked if he votes no is Verizon going to cut his service, and Chair Losoff asked the Commission to proceed with the motion.

***VOTE: Motion carried five (5) for and two (2) opposed. (Commissioners Kinsella and Mayer opposed.)***

*The Chair recessed the meeting at 7:52 p.m. and reconvened the meeting at 8:00 p.m.*

- c. **(Continued from June 1, 2017, and August 1, 2017, Public Hearings) Discussion/possible action regarding a recommendation to the Sedona City Council regarding amendments to the Sedona Wireless Communications Facilities Ordinance, Sedona Land Development Code, Article 17, Wireless Communications Facilities, to be consistent with changes in federal regulations. Case Number: PZ17-00005 (LDC) Applicant: City of Sedona**

Chair Losoff opened this item and noted that it is a continued discussion regarding the Sedona Wireless Communications Facilities Ordinance.

**Presentation:** Karen Osburn indicated that as Chair Losoff mentioned, this is the second continuation of the June 1<sup>st</sup> public hearing. Our last meeting was on August 1<sup>st</sup>, and her apology on the delay in bringing this item back to the Commission, but we spent the last several months doing a couple of things. One is attempting to research, react to, respond to some of the comments that came up and what seemed like some consensus direction or request to staff for additional information from the last meeting, that is articulated in your attached Memo and she will briefly walk you through those. The other thing that took some time for staff to reconcile is what exactly to do or how to handle and integrate the new state law into Article 17, which is our wireless ordinance. What staff ultimately came up with, after many, many iterations and attempts to try to do that, was that they are just simply not compatible. The regulations and things that we are trying to impose and govern and regulate in the ordinance are things that the state will not allow us to do for the small cell in the rights-of-way, which is what that legislation governs, so we have determined that the best course of action in handling these is to have Article 17 as a standalone that governs all wireless facilities, except those governed by the new state law and those will be incorporated into a section of our City Code, Chapter 12, which is our right-of-way permitting, because essentially that is all it is. It is an over-the-counter right-of-way permit; they are entitled to be there by right based on this new legislation. Now, the ordinance contemplates everything else, and not those particular wireless facility sitings.

Karen stated that just to run the Commission through the Memo quickly. There were certain comments that came from the Commissioners on the ordinance itself, and there were also some pertaining to the Master Plan. The Master Plan, for all intents and purposes, governs those nineteen city-owned properties that were originally included in the draft to be considered for potential wireless siting. First for Article 17 comments, the Commission requested that not only do the wireless facilities need to comply with the Federal regulations on radio frequency emissions, but that they prove it, so this is new in this iteration of the ordinance, and it is not in our existing ordinance. Cari just read the excerpt from that, so she won't re-read it, but essentially, it requires the provider to hire a certified RF Engineer, certify at the time that it becomes a live working facility that it complies and is under the thresholds set by the FCC for RF emissions, and that every two years they will be required to do the same thing, just so we have a certain level of comfort for the community that they are maintaining compliance with those regulations.

Chair Losoff asked about any resistance from anybody on that, and Karen explained that how it works in terms of getting this out to the providers, it will go through the Commission's process, and it is scheduled to go to the City Council for a work session on December 13<sup>th</sup>

provided that there are recommendations made by the Commission tonight, and it will then get distributed to the providers, so although we have had the public input process, what our consultant, CityScape, is telling us is that the providers don't even want to see it until it is just about a done deal, because they don't want to see an early version. They want to see that, and then at that point, they may react to it; whether or not, it didn't appear that we got much push back from the applicant that was here, but who knows what will come. They feel comfortable; our legal staff feels comfortable that this is something that is within our purview to require.

Karen Osburn stated that we did talk about the next one last time. This isn't brand new, but we did some clarifying language to ensure the noise limitations have some actual parameters around them, so it is not just that it can't be noisy, but that it actually has to adhere to the 55 decibels or 65 decibels, depending on what zoning district you are in.

Karen indicated that the next request was that we would write into the ordinance that faux trees may not be taller than 40 ft., so we struggled with this one a little bit, given the fact that the height restrictions in the ordinance are based not on types of concealment, which is what a faux tree is, but rather on a macro facility versus a small-cell facility. For small-cell facilities, the ordinance currently is written that they cannot exceed 30 ft., so it is actually more restrictive than this. The macro facilities, and we just discussed that in the current ordinance that is at 90 ft., and we have reduced that to 70 ft. Per the consultant -- we said what is the lowest we can get away with without basically getting sued or inhibiting providers' ability to provide service, and their recommendation was that 70 ft. mark. What we wrote into the ordinance in terms of additional restrictions is that any of the concealed facilities, and a faux tree is a concealed facility, shall be placed and constructed in such a manner as to be compatible with the existing structure or surrounding natural terrain. There should be as little contrast as possible between the communications equipment and the structure or the natural terrain around it. Based on the language, we would consider the height of the adjacent trees, and then have that discretion to regulate or impose that height restriction accordingly. There is an area, for example, the parking lot at the Jordan Historic Museum has trees that are much taller than 40 ft. At that point, if they wanted to do a faux tree to blend, they would need to go higher than 40 ft., in order to make that be able to communicate, so what we like here is the discretion for Planning & Zoning, if that is through a CUP or if through a contractual agreement, lease agreement for a city property, that it gives the Commission or the Director that discretion to determine what fits best given any particular site or surroundings.

Karen added that with all this said, maybe she should also just say that, for the benefit of anyone watching from the public, when the Commission at the last meeting made comments, and there did seem for certain things that there was consensus around; there was no actual vote, so it was not action. It was inquiry, request direction, so that is what staff is bringing back -- just some responses, some conversation points around these items. Tonight when the Commission takes action, those recommendations will be documented and passed along to the City Council. This doesn't mean that we're trying to undo anything that was already done, but just rather provide some additional information and additional considerations before you make your final determination.

Chair Losoff stated that Karen did a good job of getting back to us with where we are, what was acceptable and what was not. He wondered, since we've had meetings on meetings, and

this is a continuation, for him, given what you said earlier, state and federal law, there is not much we can do, but what we've already talked about. It is great to put it in a review in a couple of years and all this, but for tonight, he doesn't know how the other Commissioners feel, since we have talked about this ad nauseam. Should we just concentrate on the areas that we want to keep in or keep out, and agree to anything else that we've talked about? He then asked if that is okay with the Commission, and Vice Chair Levin indicated that said differently -- provide feedback on the recommendations in the packet. Chair Losoff stated that the recommendations are what we recommended last time; they are just basically saying here is what we did and here is what we didn't do, so all we have left is what should stay in and what shouldn't, but maybe he is wrong. Commissioner Brandt indicated that is a good place to start; he doesn't see why we would need to go beyond that, but who knows.

Vice Chair Levin asked if Karen wanted to continue, and Karen indicated that maybe the first question is if the Commission feels comfortable with the changes that have been made to the Ordinance and the iteration of the Ordinance that is currently in your packet. If you feel good about that, then we can deal with that item, and then move on to the Master Plan item. If there are other changes that you would like to see made or other recommendations for changes that you would like to have passed on to Council about the Ordinance itself, then this would be an appropriate time to provide that direction.

Chair Losoff stated that speaking for himself, he is comfortable with what we have. We are very limited in what we can do, and he doesn't know what we gain by having another discussion after having continued this several times, but he could be wrong.

Commissioner Barcus stated that he likes where we are, except he is reluctant to include any city-owned sites in the actual document. If we pass this and a wireless provider is aware of this and comes to us and asks if we have any city-owned sites in this specific area, we can offer up the city-owned sites that we've hashed over, but we don't need to document every city-owned site specifically, so that is his only comment at this point.

Karen explained that the sites were identified so they could go through a public process. If they go through a public process and the Commission and City Council agree that they are appropriate, whether that is with particular stipulations about types of facilities, etc., but at that point, it would not require them to obtain a CUP. If they complied with locating at those sites with all the restrictions that have been agreed to in the Master Plan, that would be an administrative approval. That is the only thing that provides an incentive to the providers to site there, and in accordance with those stipulations. If they have to go through the same public process, then they can pick any site, and they can do only what is in the Code and not more than that. As a landlord, we can require more than that, so that was the whole point of doing the Master Plan, so we had some incentive to these providers to say here are the sites that have already been vetted and determined to be appropriate for this type of use.

Commissioner Mayer indicated that when we visited those sites, concerns were about the impact on neighboring residents, correct? Karen stated yes, and the Commissioner stated that the least impact the more likely that site would be suitable for something like a cell tower and the height. We discussed one in the Brewer Road area off the church down below, where we looked at the height of the trees and determined a few more feet higher is not a problem, right? He would like to see something which is that the residents are going to be involved in

any of those cell tower possibilities, locations. Is that possible? Karen indicated that she is not sure she understands. The Commissioner stated that he wants to find out if the residents have any say in regards of a proposed location for a cell tower.

Karen explained that is what this public process has been about; that is why we sent the letters out to everyone within 300 ft. of each of the sites, that is why we have the public hearings. We've gotten many, many, many comments and inquiries from residents. The next phase of this development and finalization of the Master Plan is to take it to the City Council through again work sessions, public comment periods and public hearings before that would become final, so that is where we are engaging the public in getting that feedback about what sites are preferable or not. Commissioner Mayer stated that needs to be a high concern and high priority; that is all he has to say right now.

Karen stated that we haven't discussed the five sites that were brought up at the last meeting to be tentatively recommended to be taken off. Chair Losoff stated that he wanted to come back to those. At this point, we are just talking . . . Karen interjected that the last two inquiries were about the city-owned sites, so she didn't want . . . the Chair said, no, we want to come back to that; we're just kind of concurring with your first part.

Commissioner Brandt indicated that he is going to come back to a broad statement that regardless of the intent, which is awesome, the whole new Ordinance took the wind out of the sales, but he still sees it as somewhat of an endorsement of certain areas, and he can't get on board with a recommendation if we are still including city-owned property that looks like National Forest, acts like National Forest, quacks like a National Forest or is adjoining or is residentially-zoned. It makes sense if they can put it right out in the street in front of it, but that is not the City endorsing it, so it is almost like public relations, let it be on the state and the cell phone folks; let them take the heat instead of the City of Sedona, because he is tired of people complaining about government, but if you want to talk individually about the sites, then he will jump in on that.

Chair Losoff asked for the Commission to finish the first part about staff's recommendations and feeding back our recommendations; what you have accepted and so forth. If not, we can go on to specific sites.

No additional questions were asked, so the Chair said alright, specific sites. He is getting emails all over the place on Sugarloaf and why do we keep it in, why do we take it out? We haven't taken any stand on it yet, have we? Karen stated that at the last meeting, Commissioner Brandt suggested that those five sites – A1, A2, M, O and P be recommended to be removed, but because the Commission did not act on it, staff is bringing it back for the Commission to act on it tonight.

Karen stated that first, the Newcastle Lane site and the Panorama site, which were the sites that Commissioner Brandt referenced as being residentially-zoned. They are both sites for lift stations, but they are very small parcels and they are located in residential neighborhoods. While the Panorama site sits on a city street and may be subject to having something located in the right-of-way, Newcastle is not, so the young lady who spoke earlier and said Newcastle is a private street is correct, so that one does seem to be in alignment with the rationale for why it isn't an appropriate site. Panorama . . . Vice Chair Levin interrupted to ask, because in

your description of those, you say that you concurred with the Commission; however, they might be still suitable under certain circumstances for small cell facilities, so it sounds like there is still the possibility that it would be appropriate, and if so, can you tell us what a small cell facility is?

Karen Osburn explained that the reason she is clarifying that Newcastle is on a private street is because the justification, which is the same for the Buena Vista and Sugarloaf sites, the Back O'Beyond site and those two sites, is that if you can site it, a small cell is essentially what is now regulated by the state, so although small cell in our Ordinance is for things that would be sited outside of the City right-of-way, limited to 30 ft. in height and a much smaller footprint than what the state says, which is why we had a hard time reconciling those; the state says it can be up to 50 ft. and a larger footprint. She doesn't have the exact dimensions and things of the adjacent equipment in front of her, but that is what small cell is. When we refer to small cell, the only one that we have currently in the existing inventory in the City is the one from the Church of the Red Rocks. Vice Chair Levin asked if that is 30 ft. and Karen stated it is 27 ft.

Chair Losoff stated which is why our discussions here are somewhat . . . Karen agreed, but indicated that Newcastle, which is the exception, because the state law does not govern private streets; it only governs city-owned streets -- public right-of-way that is non-state owned, so for that one, it may be reasonable to recommend that that one be omitted. Vice Chair Levin indicated that she would certainly support that.

Karen then explained that the only justification for both the Back O'Beyond parking lot and the Sugarloaf Trail parking lot is that they may end up being preferable if we can encourage the provider to go there instead of right in the streetscape, but truly it is going to be their choice.

Chair Losoff again indicated that given all we have talked about, we have Newcastle Lane, Panorama (audio unclear) do we want to agree to discourage people from using them? Take them out as recommended, are we okay with this? Vice Chair Levin indicated yes, but she would also agree to remove Sugarloaf as well.

The Chair indicated there is a consensus and Commissioner Brandt wanted to confirm that the Vice Chair meant both of them, and she stated yes. Chair Losoff commented that he is not sure he can muddy the water by saying that if a small -- let's just maybe take it out. Vice Chair Levin indicated that she is saying nothing -- small cell, big cell, tall monopine. Commissioner Brandt stated that he became aware of the Arroyo Pinon site; that is a sewer station at the end of Arroyo Pinon; it is not residential, not forest, but it is not a trailhead in other words. Vice Chair Levin asked if that is Carroll Canyon and Audree Juhlin stated it is at the end of Arroyo Pinon. Commissioner Brandt noted that there is a petition against that one. Again, it is like public relations. Why encourage it in a place where the general public is not, and if they can put it out in the street, it is like don't do it; don't piss off the neighbors just because well, we could.

Chair Losoff indicated that Commissioner Brandt always raises a good point. It doesn't matter what we come up with, we need to push hard on the fact, it is not us; we're not the ones . . . Commissioner Brandt interrupted to say we are endorsing it though, through this, so we are



endorsing it. Commissioner Brandt added that we are trying to minimize the impact of the Federal Government and the state.

Karen stated that is true, but we are at some point talking about two different things. The small cell is what they have unfettered access to do in the rights-of-way. We just approved an example of a macro site; they needed a different type of coverage. Our general understanding of the industry from the consultants is that the industry is moving towards that small cell and we are probably going to see less of the macro, but one of the things about the macro is that it is not always big towers, so there are some very inconspicuous concealments that can be done as part of buildings. They talked about the antenna that is built into the Church that no one has any idea is there, so for example, that lift site is not a small little pump station like Panorama or Newcastle. It is an actual building, so if someone were to want to come in and need to provide coverage to that area and could do a parapet on that rooftop, that may be very inconspicuous and preferable to putting something, and if they need a tower or something that is of that macro radius and coverage, then we may still see those. There may be some providers that need that before we fully transition to everything becoming the small cell distributed antenna type of system. That would be the only reason why, for a site like that, we might want to continue to keep it in the list of consideration.

Vice Chair Levin indicated that the unspoken issue relates to health issues, and as we all know, we are not to discuss them nor do we have jurisdiction over them, so it is not only aesthetics that the neighbors are pushing back on, and while that can't be part of our reasoning, it certainly made its way into her head, and it's important to acknowledge that there are other concerns that the neighbors have about siting, and they are not only about location and aesthetics.

Chair Losoff stated that the Commission requested information that we received on retesting every two years; that was put in. We asked about noise and put in some criteria. We talked about faux trees may not be taller than 40 ft. and we have your comments and recommendation there. We had comments and discussion and you brought us back recommendations on that. We talked about limiting tower placement on city-owned sites, concealing macro or replacement towers and new ones, and he thinks we are okay with all of that, so that can be incorporated into the plan. The next question is the next section in Karen's Memo about the sites that we just discussed, are we okay limiting what we put in there. Vice Chair Levin stated A1, A2, P, M and O.

Chair Losoff then stated that as Karen pointed out, because the City's right-of-way is now governed by the state, she is taking this out of this code and putting it into Chapter 12, and also the Land Development Code, Article 17, that identified the siting of wireless facilities on National Forest, we don't really have any jurisdiction over that, so that comes out of our Code too.

Commissioner Klein stated that in the old Land Development Code on setbacks, they had to be away from residential properties by a minimum distance of 150% of the tower height, and in the new Code it has to be a minimum distance of 100% of the tower height, so he is curious as to why we are reducing it. Karen explained that was simply a recommendation from the consultants, and quite frankly, that wasn't something that we really explored further with them. We can certainly go back to them and ask that questions, but she thinks the breakpoint

technology item, which was 110%, was consistent, and what they are telling us is that they are all made with breakpoint technology, so that may have been the reason, but staff did not specifically ask that question, so she can't be sure of that. The Commissioner then stated that if you had a 50 ft. tower and the breakpoint is 25 ft., the setback would have to be 110% of 25 ft., and Karen stated yes.

Commissioner Klein indicated that Karen said that because of the new Arizona law, we are removing that aspect from Article 17 of the Land Development Code, but even though there is the new law, if someone wants to put up a wireless facility pursuant to that new law, can we still require them to certify that it complies with the radio frequency requirements of the FCC and require them to do testing every two years? Karen stated that initially, the response from the consultant was that we could, because all of the facilities need to comply with OET-65. As to what we are allowed to do and because this is a brand-new law, much of this hasn't been tested on this specific legislation, but we're allowed to regulate things pertaining to health, safety, welfare and aesthetics if it's a requirement of the Feds, she thinks their opinion was that we could impose that they prove they are in compliance with the Federal law, but it is not explicit in the legislation. Robert Pickels Jr. then asked Commissioner Klein if he is talking about with respect to right-of-way in Chapter 12, and Commissioner Klein stated right. Robert Pickels Jr. indicated that is really not the subject of the discussion tonight; that is something we are going to address with the City Council on a different day.

The Commissioner then indicated that he was curious about some language that is in one of the sections that the towers have to be compatible with the existing structure, and he asked what is meant by 'existing structure'. Karen explained that is for a base station application, so what she just described on potentially the lift station building, where they could build a parapet and hide it, they would just need to build that so it is compatible with the existing structure.

Commissioner Kinsella asked if we could talk about language in the definitions or do you want to stay to this point, and the Chair asked to stay to this point, since we had a lot of issues discussed, but if it is a matter of definition or maybe technical, you could bring it up with staff afterwards, if it is not changing any substance. Commissioner Kinsella stated that when you get into the definitions, there is the definition of antenna array and a definition of antenna element, and the definition of antenna element says any antenna or antenna array, so it harkens back to that without really defining it, and she would like to suggest changing that definition to say any antenna or part of an antenna as the definition.

Chair Losoff confirmed staff had gotten that and indicated it was no problem. The Chair then indicated that he had certainly had enough conversations and he keeps repeating that we are limited as to what we can and cannot do, and staff and the Commission has come up with some very effective modifications to minimize the impact of any of this going forward, so at this point, more discussion, and then open it up for a motion.

Commissioner Brandt asked to add Arroyo Pinon to the list that is deleted and there was no objection from the Commissioners. Karen clarified that she thinks the Commissioner is referring to the El Camino lift station, site E1, and Commissioner Brandt stated E1 Camino, yes.

Commissioner Kinsella asked for clarification for her own understanding; you talked about removing sites, and the sites are M, O, A1, A2 and P, so which ones are remaining? Chair Losoff asked her to talk to staff afterwards. Commissioner Brandt indicated that there is about a dozen or so, and the Chair added that he thinks there were 19 originally. Commissioner Kinsella indicated that her question was misunderstood and clarified that of the sites that she just said, are all of them being removed now, and Chair Losoff indicated yes.

Commissioner Barcus indicated that he would make the motion and he assumes we are doing two motions. The first motion is PZ17-00005 Wireless Communications.

***MOTION: Commissioner Barcus moved to recommend to City Council approval of case number PZ17-00005, updating Article 17 (Wireless Communications) of the Sedona Land Development Code. Commissioner Mayer seconded the motion.***

Commissioner Brandt asked if this includes the alterations we did, and Vice Chair Levin stated that is the next one.

***VOTE: Motion carried seven (7) for and zero (0) opposed.***

- d. (Continued from June 1, 2017, and August 1, 2017, Public Hearings) Discussion/possible action regarding a recommendation to the Sedona City Council regarding the draft Sedona Wireless Communications Master Plan. Case Number: PZ17-00006 (MP) Applicant: City of Sedona

*See discussion under agenda item c. above.*

***MOTION: Vice Chair Levin moved to recommend to City Council approval of case number PZ17-00006(MP) adopting the Wireless Master plan, including the modifications to eliminate the following properties identified in the Staff Report as A1, 2070 Buena Vista Drive; A2, 2050 Buena Vista Drive, and P, 515 Back O'Beyond Road, and M at 11 Newcastle Lane, and O at 160 Panorama Boulevard, and the site identified E1 in the El Camino area. Commissioner Klein seconded the motion. VOTE: Motion carried seven (7) for and zero (0) opposed.***

Chair Losoff thanked staff for their work and expressed appreciation for what the Commissioners had done to modify and make some major adjustments to this plan. Vice Chair Levin added, and listen to the public.

## **5. FUTURE MEETING DATES AND AGENDA ITEMS**

- a. **Thursday, November 16, 2017; 3:30 pm (Work Session)**
- b. **Tuesday, November 21, 2017; 5:30 pm (Public Hearing)**
- c. **Thursday, November 30, 2017; 3:30 pm (Work Session)**
- d. **Tuesday, December 5, 2017; 5:30 pm (Public Hearing)**

Audree Juhlin stated that the Thursday, November 16<sup>th</sup> work session is canceled. The Tuesday, November 21<sup>st</sup> regular meeting also is canceled; that is Thanksgiving week. The next meeting will be November 30<sup>th</sup>, that is a Thursday and we will be discussing amendments to the Land Development Code. Then, we will have a meeting on Tuesday, December 5<sup>th</sup>, to

discuss to Conditional Use Permits we are currently processing for a food truck and Whole Foods. On January 11, we are proposing a retreat with the Commission for approximately four hours from 10:00 a.m. to 2:00 p.m. with lunch, and it will be on the City Hall campus.

Commissioner Barcus asked if that will be jointly with the City Council and Audree Juhlin indicated no, but it will be a public meeting. Vice Chair Levin indicated that since we are talking about future meetings, she thought a 450-page packet . . . Chair Losoff interrupted to say that is not on the agenda, but we can discuss that at the retreat. He encouraged the Commissioners to let Audree know about what items you would like to put on the retreat. It should be an open meeting with anything and everything to be discussed. We should be able to put on the table . . . Robert Pickels cautioned that we have a limited amount of time and we do have certain issues identified that we, at the staff level, would like to discuss with the Commission, so we have to be realistic about what we can add. The Chair indicated that if we do see a lot of things coming back from the Commission maybe we can extend the time, and . . . Vice Chair Levin interrupted to ask when the agenda would be shared, and Audree Juhlin indicated that she could sent it out this week to get it tentatively on your calendars.

**6. EXECUTIVE SESSION**

**If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constitute a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:**

- a. **To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. **Return to open session. Discussion/possible action on executive session items.**

*No Executive Session was held.*

**7. ADJOURNMENT**

Chair Losoff called for adjournment at 8:45 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on November 7, 2017.

---

Donna A. S. Puckett, *Administrative Assistant*

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Date

**DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SEDONA  
AND PINON LOFTS, LLC.**

THIS DEVELOPMENT AGREEMENT ("Agreement") made and entered into this day of December, 2017, by and between the City of Sedona, an Arizona municipal corporation ("City") and Pinon Lofts, LLC, an Arizona limited liability company and its successor or assigns ("Property Owner").

**RECITALS**

The following recitals are incorporated by reference into and constitute an integral part of this Agreement.

- A. **WHEREAS**, the Property Owner owns property located in Sedona, AZ, as more fully described in Exhibit "A", attached hereto and made a part hereof ("Property").
- B. **WHEREAS**, Property Owner intends to develop the Property by constructing certain residential improvements consisting of 45 multi-family market rate rental apartment dwelling units ("Project").
- C. **WHEREAS**, this Agreement is entered into by authority of A.R.S. § 9-500.5, the City finding that the consideration and commitments herein from and to the Property Owner and the City are justified based on other consideration provided hereby, including without limitation the economic benefits to the community resulting from this Agreement.

**DEFINITIONS**

In this Agreement, unless a different meaning clearly appears from the context:

**Area Median Income (AMI):** The Area Median Incomes (AMI) for the portion of the two counties comprising the City of Sedona are determined by the United States Department of Housing and Urban Development and are updated yearly. AMIs are established for a range of household sizes, from one-person households to eight-person households. The current AMIs are available from the City of Sedona Department of Community Development.

**Market Rate:** Rental costs that are based on current market prices, without income limits or special requirements.

**NOW, THEREFORE**, in consideration of the promises and mutual obligations contained herein, City and Property Owner agree to proceed under the following terms and conditions.

**1. OBLIGATIONS OF PROPERTY OWNER**

- 1.1 Condominium Conversion. Property Owner, or lessees, for a period of no less than 30 years from certificate of occupancy, shall not file an application for a condominium plat or otherwise divide the Property into separate ownership dwelling units.
- 1.2 Leasing Priority for Occupancy in the Project. The Property Owner, during the first

fifteen (15) days of the initial preleasing period for the Project ("Priority Period") shall first offer for lease no less than twenty-five (25) dwelling units on a first come first served basis to those who are employed by a business within Sedona City limits or otherwise have a written offer of employment by an employer located within the City ("Employed Resident"). Further priority during the Priority Period shall be given to Employed Residents that earn at or below the current published "Area Median Income" as established by the Secretary of Housing and Urban Development ("HUD") for the metropolitan statistical area most applicable to the City ("AMI Qualified Occupant") for the first 12 (twelve) dwelling units available in the Project.

- 1.3 Leasing Priority for Occupancy in the Project after expiration of the Priority Period. After the Priority Period, in the event of a wait list for occupancy in the Project, an Employed Resident shall be given priority for occupancy in the Project with respect to every second (2<sup>nd</sup>) dwelling unit that is or becomes vacant and is available for lease in the Project. After expiration of the Priority Period, in the case of a wait list for occupancy in the Project, every fourth (4<sup>th</sup>) dwelling unit that is or becomes vacant and is available for lease in the Project shall be offered first to an AMI Qualified Occupant. Nothing in this paragraph or Agreement shall be construed to prevent the renewal of any existing tenant lease in the Project by the Property Owner at the time of lease expiration or as otherwise determined in the Property Owner's sole discretion.
- 1.4 Market Rent and Tenant Qualification for Occupancy. Nothing in this Agreement shall be construed to mean that any prospective tenant, Employed Resident, or an AMI Qualified Occupant shall automatically qualify for occupancy in the Project and shall be subject to certain background history, financial qualifications and occupancy standards as maybe designated from time to time by the Property Owner. The City and Property Owner acknowledge and represent that the Project is "market rate" and neither party shall subsidize the rent of any tenant occupying the Project.
- 1.5 Lease Term. Property Owner shall not lease any dwelling unit in the Project for an initial lease term of less than 90 days. During the entirety of the lease term, tenants shall not be allowed to assign a lease or sublease a dwelling unit without the express prior written consent of the Property Owner. If an assignment or sublease is approved by the Property Owner such assignment or sublease shall not be for a term less than the balance of the existing lease term.
- 1.5 Recording/Filing Fees. Property Owner shall be responsible for payment of any fees associated with the recording/filing of this document in the records of Yavapai County, Arizona.
- 1.6 Annual Report. The property owner will submit an annual report to the City of Sedona certifying to the best of their ability and knowledge that the units are being rented in accordance with the Development Agreement.

## **2. OBLIGATIONS OF CITY**

- 2.1 Public Sidewalk. The City agrees to credit the Property Owner a Streets Development Impact Fee credit, for the cost to design, engineer, install and construct the public

improvements required and requested by the City for the installation and construction of an improved public sidewalk along Pinon Drive to Highway 89A. The exact location and specifications of the public sidewalk shall be determined by the City.

- 2.2 Curb Replacement. The City agrees to credit the Property Owner a Streets Development Impact Fee credit, for the cost to design and engineer to both remove and replace the existing curb cut on fronting the Property on Highway 89A and install and construct vertical curb as replacement for such curb cut.

### **3. DEFAULT**

- 3.1 A party shall be in default under this Agreement if it fails to perform, in material respect, any covenants made by it or obligations assumed by it under this Agreement, which failure adversely affects the other party's interest under this Agreement, and in such an event, each party shall be entitled to all available legal and equitable remedies, including, but not limited to, the right of specific performance, including all costs of enforcement of this Agreement, with reasonable attorneys' fees paid to the prevailing party.

### **4. MISCELLANEOUS PROVISIONS**

- 4.1 Entire Agreement. This Agreement constitutes the entire agreement and understanding of the parties hereto and supersedes all offers, negotiations and other agreements of any kind. This Agreement may be amended only in writing and signed by both parties.
- 4.2 Assignment. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Neither this Agreement nor any of the rights, interests or obligations under this Agreement may be assigned or delegated by any party, without the prior written consent of the other party. Such consent may not be unreasonably withheld or delayed.
- 4.3 Relationship. This Agreement is not intended to confer any rights or benefits to any individual or entity other than to the City and to Property Owner, nor shall anything contained herein create any partnership, joint venture or similar arrangement between the Property Owner and the City.
- 4.4 Arizona Law. This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Arizona.
- 4.5 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall have the force and effect of an original, and all of which shall constitute but one document.
- 4.6 Notices. All notices required to be given under this Agreement shall be deemed given

upon the earlier of actual receipt or two (2) days after being mailed by registered or certified mail, return receipt requested, addressed as follows:

If to City: City Manager  
102 Roadrunner Drive  
Sedona, AZ 86336

With a copy to: City Attorney  
102 Roadrunner Drive  
Sedona, Arizona 86336

If to Property Owner: Pinon Lofts, LLC  
15010 N. 78<sup>th</sup> Way, Suite 109  
Scottsdale, AZ 85260

- 4.7 Authority. This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's Planning and Zoning Commission or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the Project or other action required under this Agreement.
- 4.6 Time of Essence. Time is of the essence and a material provision of this Agreement.
- 4.7 Tax Consequences. City makes no representation concerning the tax consequences or liability resulting from this Agreement. The parties have each had an opportunity to consult with legal counsel concerning the terms and effects of this Agreement and either party's failure to do so is at its own choosing.
- 4.8 Conflicts of Interest. This Agreement is subject to the provisions of A.R.S. § 38-511, relating to conflicts of interest.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year first above written.

CITY OF SEDONA,  
an Arizona municipal corporation

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk



Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

PINON LOFTS, LLC, an Arizona limited liability company

By: \_\_\_\_\_  
M. Keith Holben

Its: \_\_\_\_\_  
Managing Member

Date: \_\_\_\_\_

## Exhibit "A"

### Legal Description

A tract of land in the Northeast quarter of the Northeast quarter of Section 15, Township 17 North, Range 5 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the point of intersection of the West line of said Northeast quarter of the Northeast quarter of Section 15 and the Southerly right of way line of State Highway U.S. 89A (132 feet wide right-of-way), as marked by a found one inch iron pipe from which, the Northwest corner of the Northeast quarter of the Northeast quarter as marked by a one inch iron pipe lies North 00 degrees, 12 minutes, 27 seconds East 542.83 feet (North 00 degrees, 11 minutes East 541.7 feet per Deed recorded in Book 2720 of Official Records, Pages 606-607 hereafter referred to as "record"), said Point of Beginning being a non-tangent point of curvature, the central point of which lies South 32 degrees, 57 minutes, 23 seconds East, 3753.72 feet;

Thence through a central angle of 01 degrees, 47 minutes, 42 seconds on a curve to the right in a Northeasterly direction an arc length of 117.59 feet (record arc length 118.20 feet) to a found 5/8 inch rebar with obliterated cap on the aforementioned Southerly right-of-way line;

Thence South 27 degrees, 52 minutes, 11 seconds East, 207.22 feet (record South 27 degrees, 50 minutes East 207.0 feet) to a found 1/2 inch rebar, no tag or cap;

Thence North 70 degrees, 56 minutes, 03 seconds East 187.59 feet (record North 70 degrees, 50 minutes East, 188.5 feet) to a found 1/2 inch rebar with plastic cap stamped "Landmark LS 14184";

Thence South 19 degrees, 18 minutes, 02 seconds East 159.95 feet (record South 19 degrees, 05 minutes East 160.00 feet) to a found 1/2 inch iron pipe;

Thence South 68 degrees, 04 minutes, 31 seconds West 283.29 feet (record South 68 degrees, 00 minutes West 284.0 feet) to a set 5/8 inch rebar with plastic cap stamped "SEC RLS 13015";

Thence South 89 degrees, 50 minutes, 42 seconds West 164.68 feet (record North 89 degrees, 59 minutes West 165.0 feet) to a found 1/2 inch rebar with plastic cap stamped "LANDMARK LS 14184" from which, the found one inch iron pipe marking the Northwest corner of the Northeast quarter of the Northeast quarter lies North 00 degrees, 11 minutes, 00 seconds East (record and basis of bearings) a distance of 859.51 feet;

Thence North 00 degrees, 08 minutes, 32 seconds East 316.68 feet (record North 00 degrees, 11 minutes East 316.2 feet) to the TRUE POINT OF BEGINNING.

**PZ17-00009 (ZC), as recommended by Planning and Zoning Commission, November 7, 2017**

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all other supporting documents submitted, as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. The applicant shall enter into a Development Agreement with the City of Sedona that covers, at a minimum, the following items:
  - a. Restriction of subdivision (condominium conversion) for a minimum of 30 years.
  - b. Minimum initial lease length of 90 days.
  - c. Prohibition on subleasing without management approval. Subleases will prohibit short term rentals.
  - d. Priority for 25 of the 45 units will be given to tenants that are employed locally or have a verifiable offer and acceptance of employment locally.
  - e. Priority for some of the units given to prospective tenants who earn less than the AMI (Area Median Income).
  - f. Construction of ghosted parking if deemed necessary.
3. The zoning for the subject property shall be considered vested when the Development Agreement is approved and construction of the project as approved under PZ17-00009 (DEV) is complete. If the applicant does not complete construction of the approved project, the City may initiate proceedings to revoke the zoning, subject to the provisions of Sedona Land Development Code Section 400.11 and applicable State statutes.
4. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Zoning Change approval.

**PZ17-00009 (DEV), as approved by Planning and Zoning Commission, November 7, 2017**

1. If the City Council does not approve PZ17-00009 (ZC), this development review approval shall become null and void.
2. The project shall be developed in a single phase.
3. The Development Review approval shall be valid for a period of two (2) years from City Council approval of PZ17-00009 (ZC), unless a valid building permit has been issued, the building is under construction, and the project is being diligently pursued towards completion.
4. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, landscape plan, grading and drainage plans, letter of intent, and all other supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes determined to be

substantial by the Director of Community Development shall require reconsideration by the Planning & Zoning Commission at a public meeting.

5. Hours of work, for grading operations, shall be limited to 7 a.m. to 6 p.m., Monday through Friday and 9 a.m. to 5 p.m. on Saturday. No grading work shall occur on Sunday.
6. Storm water quantities and velocities shall not be greater than the historic values at the downstream property line.
7. The exterior wall colors and all roofing materials shall be in compliance with the approved color and materials board. All vents, down spouts, gutters, posts, etc. shall be painted to match the exterior wall or roof color or be in compliance with the color provisions of the Land Development Code.
8. Due to the application of alternate standards, the largest unrelieved building plane on Building 3 shall be no more than 400 square feet. Staff may consider other alternatives, such as a reduction in building height, to ensure the building meets Land Development Code requirements.
9. All mechanical and electrical equipment shall be adequately screened, to the satisfaction of the Community Development Director.
10. The applicant shall connect to the City's Wastewater System, construct any required extensions of sewer lines, and pay all applicable fees.
11. The applicant shall install sound transmission class rated windows in the apartments in Building 1 facing the patio area of Relics Restaurant, as recommended in the submitted sound study.
12. Prior to the issuance of grading and building permits, the applicant shall satisfy the following conditions and provide written documentation of such compliance to staff:
  - a. Plans submitted for building permit review shall meet all applicable requirements of the Sedona Land Development Code.
  - b. For projects involving grading of more than 5,000 cubic yards, a haul plan, a dust control plan, a topsoil reutilization plan, a storm water pollution prevention plan, and a traffic control plan shall be required. Each must be acceptable to and approved by the City Engineer. (LDC 806.2.I)
  - c. Provide Final Grading and Drainage Plans. The Site Plan shall meet the requirements of LDC Section 803.
  - d. Provide the Final Drainage Report.
  - e. Applicant shall follow the City of Sedona Land Development Code in its entirety.
  - f. Applicant shall provide a Storm Water Pollution Prevention Plan. SWPPP measures shall be in place prior to the start of construction (LDC Article 8). Storm water quality measures shall also comply with City of Sedona Code requirements (City Code Chapter 13.5)
  - g. Accessible sidewalks and parking areas will need to meet the current US Dept. of Justice ADA requirements.
  - h. Any new accessible parking/signage shall meet the requirements of City LDC Section 912.09.
  - i. The applicant shall show proof of ADOT approval for any work within the ADOT right-of-way.

- j. The site plan shall show all existing utilities and construction details for sewer construction
  - k. Provide utility construction details on plans.
  - l. The parking layout and driveway slopes shall meet the requirements of the Sedona Land Development Code (LDC).
  - m. Bumpers, wheel stops, stall markings and/or other vehicular control devices shall be provided to the specifications of the City Engineer.
  - n. Provide details for entrance and exit traffic signs at the driveways.
  - o. A City Right-of-Way Permit shall be acquired for any work taking place within City Rights-of-Way. A Traffic Control Plan shall be submitted with the application.
  - p. Applicant shall provide a Neighbor Contact and Response Plan issuance of permit. The plan shall define site signage, which shall include a hotline number.
  - q. The applicant shall submit landscaping plans that comply with all applicable City codes and with the landscaping plans approved by the Planning & Zoning Commission.
  - r. The applicant shall submit outdoor lighting plans that comply with all applicable City codes and with the outdoor lighting plans approved by the Planning & Zoning Commission.
  - s. All requirements of the Sedona Fire District shall be satisfied.
13. Prior to the issuance of a Certificate of Occupancy, staff shall verify that all construction is in substantial accordance with the plans as submitted, reviewed, and approved by the Planning and Zoning Commission, and meets the following conditions:
- a. All on-site improvements shall substantially conform to the plans on which grading and building permits were issued.
  - b. Installation of all proposed landscaping shall be complete and in accordance with the approved landscape plan.
  - c. All outside lighting shall have been installed in accordance with the approved plans. All lighting sources shall be fully shielded so that the direct illumination is confined to the subject property boundaries and so no light is directed above the horizontal plane. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.
  - d. All new utility lines shall be provided through underground installation.
  - e. All mechanical equipment and trash receptacles shall be completely screened in accordance with the screening provisions shown on the approved development plans. All electrical panels shall be located so as not to be visible from public right-of-ways.
  - f. All requirements of the Sedona Fire District shall be satisfied.
  - g. The applicant shall provide copies of all required testing to the Public Works Department.
  - h. As-built plans shall be provided to the City in digital and hard copy formats acceptable to the City Engineer.
  - i. All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential for erosion.

- j. The applicant shall provide a letter, sealed by the engineer of record, verifying that the work, as done, is in substantial accordance with the approved plans.
  - k. All construction shall comply with the Storm Water Regulations in Chapter 14 of the City of Sedona City Code. Storm water quantities and velocities shall not be greater than the historic values at the downstream property line.
14. Within thirty days of approval of the Development Review, the property owners of record of the subject properties shall sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Development Review.

**RESOLUTION NO. 2017-\_\_**  
**PINON/89A APARTMENTS**  
**ZONE CHANGE**  
**PZ 17-00009 (ZC)**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,  
ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF PROPOSED  
REZONING OF YAVAPAI COUNTY ASSESSOR PARCEL NUMBER 408-11-086A  
CONTAINING APPROXIMATELY 2.25 ACRES FROM C-2 (GENERAL  
COMMERCIAL) TO RM-3 (HIGH DENSITY MULTIFAMILY RESIDENTIAL).**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the provisions set forth and the area to be rezoned and attached hereto and incorporated herein as Exhibit A entitled "PZ 17-00009 Pinon/89A Apartments: Zoning Map, Legal Description, and Conditions of Approval" constitutes a public record to be adopted by reference pursuant to A.R.S. § 9-802 into Ordinance No. 2017-\_\_.

At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 12<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

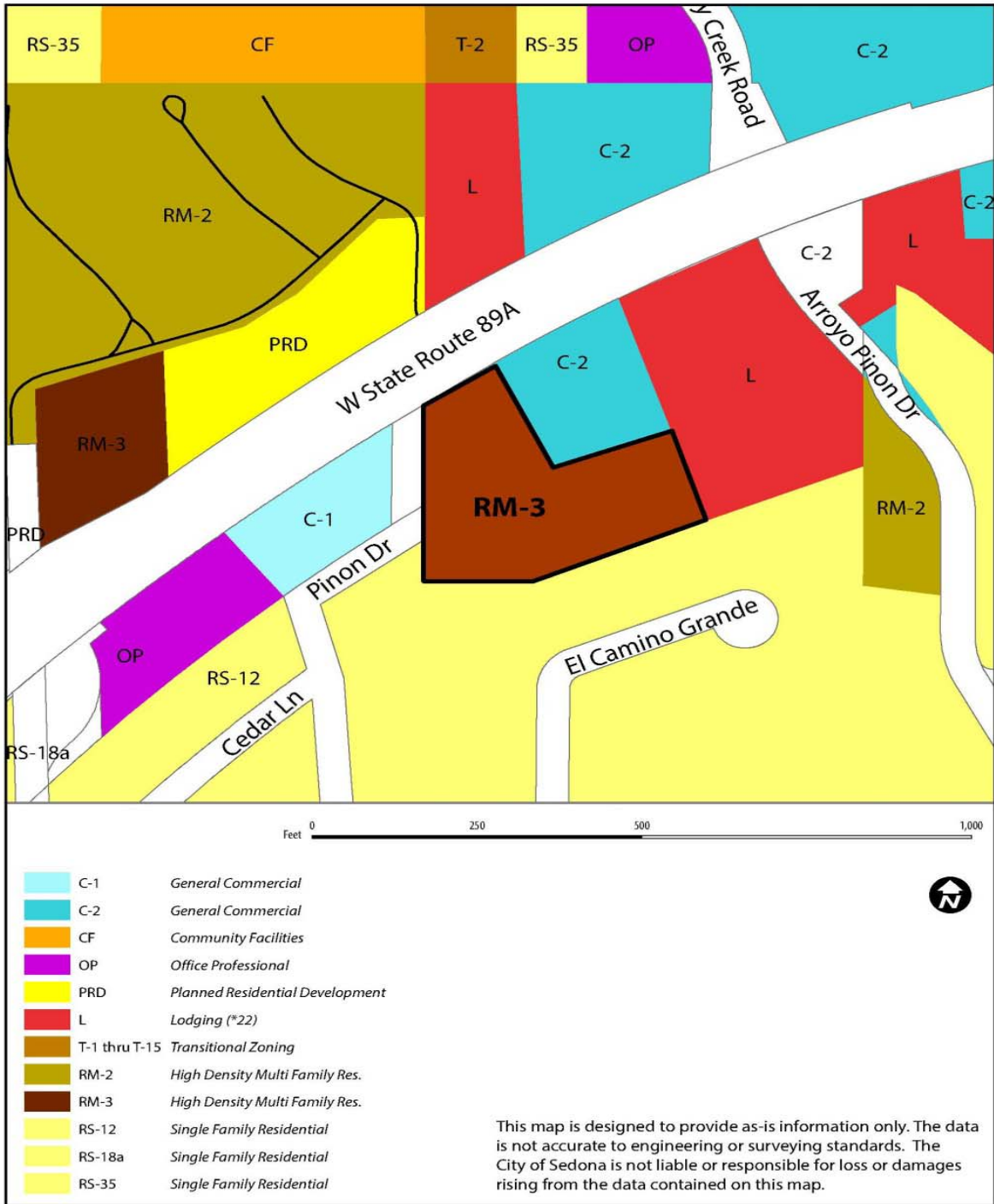
APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney

# Exhibit A

## PZ 17-00009 Pinon/89A Apartments: Zoning Map, Legal Description, and Conditions of Approval

### Pinon/89A Apartments Zoning Map





## Pinon/89A Apartments Legal Description (PZ17-00009)

A tract of land in the Northeast quarter of the Northeast quarter of Section 15, Township 17 North, Range 5 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the point of intersection of the West line of said Northeast quarter of the Northeast quarter of Section 15 and the Southerly right of way line of State Highway U.S. 89A (132 feet wide right-of-way), as marked by a found one inch iron pipe from which, the Northwest corner of the Northeast quarter of the Northeast quarter as marked by a one inch iron pipe lies North 00 degrees, 12 minutes, 27 seconds East 542.83 feet (North 00 degrees, 11 minutes East 541.7 feet per Deed recorded in Book 2720 of Official Records, Pages 606-60 7 hereafter referred to as "record"), said Point of Beginning being a non-tangent point of curvature, the central point of which lies South 32 degrees, 57 minutes, 23 seconds East, 3753.72 feet;

Thence through a central angle of 01 degrees, 47 minutes, 42 seconds on a curve to the right in a Northeasterly direction an arc length of 117.59 feet (record arc length 118.20 feet) to a found 5/8 inch rebar with obliterated cap on the aforementioned Southerly right-of-way line;

Thence South 27 degrees, 52 minutes, 11 seconds East, 207.22 feet (record South 27 degrees, 50 minutes East 207.0 feet) to a found 1/2 inch rebar, no tag or cap;

Thence North 70 degrees, 56 minutes, 03 seconds East 187.59 feet (record North 70 degrees, 50 minutes East, 188.5 feet) to a found 1/2 inch rebar with plastic cap stamped "Landmark LS 14184";

Thence South 19 degrees, 18 minutes, 02 seconds East 159.95 feet (record South 19 degrees, 05 minutes East 160.00 feet) to a found 1/2 inch iron pipe;

Thence South 68 degrees, 04 minutes, 31 seconds West 283.29 feet (record South 68 degrees, 00 minutes West 284.0 feet) to a set 5/8 inch rebar with plastic cap stamped "SEC RLS 13015";

Thence South 89 degrees, 50 minutes, 42 seconds West 164.68 feet (record North 89 degrees, 59 minutes West 165.0 feet) to a found 1/2 inch rebar with plastic cap stamped "LANDMARK LS 14184" from which, the found one inch iron pipe marking the Northwest corner of the Northeast quarter of the Northeast quarter lies North 00 degrees, 11 minutes, 00 seconds East (record and basis of bearings) a distance of 859.51 feet;

Thence North 00 degrees, 08 minutes, 32 seconds East 316.68 feet (record North 00 degrees, 11 minutes East 316.2 feet) to the TRUE POINT OF BEGINNING.

### **Pinon/89A Apartments Conditions of Approval (PZ17-00009)**

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all other supporting documents submitted, as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. The applicant shall enter into a Development Agreement with the City of Sedona that covers, at a minimum, the following items:
  - a. Restriction of subdivision (condominium conversion) for a minimum of 30 years.
  - b. Minimum initial lease length of 90 days.
  - c. Prohibition on subleasing without management approval. Subleases will prohibit short term rentals.
  - d. Priority for 25 of the 45 units will be given to tenants that are employed locally or have a verifiable offer and acceptance of employment locally.
  - e. Priority for some of the units given to prospective tenants who earn less than the AMI (Area Median Income).
3. The zoning for the subject property shall be considered vested when the Development Agreement is approved and construction of the project as approved under PZ17-00009 (DEV) is complete. If the applicant does not complete construction of the approved project, the City may initiate proceedings to revoke the zoning, subject to the provisions of Sedona Land Development Code Section 400.11 and applicable State statutes.
4. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. § 12-1134 related to the granting of this Zoning Change approval.

**ORDINANCE NO. 2017-\_\_**  
**PINON/89A APARTMENTS ZONE CHANGE**  
**PZ 17-00009 (ZC)**

**A ORDINANCE OF THE OF THE CITY OF SEDONA, ARIZONA, REZONING THAT PROPERTY DESCRIBED HEREIN FROM ITS PRESENT DESIGNATION OF C-2 (GENERAL COMMERCIAL) TO RM-3 (HIGH DENSITY MULTIFAMILY RESIDENTIAL); ESTABLISHING CONDITIONS OF SUCH REZONING; DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES OR ANY PART OF THE LAND DEVELOPMENT CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Description and Rezoning

The subject property consists of Yavapai County Assessor's Parcel 408-11-086A, containing approximately 2.25 acres, and is located at 3285 W State Route 89A, at the southeastern corner of the intersection of W State Route 89A and Pinon Drive. The owner/applicant desires to rezone the property from C-2 (General Commercial) to RM-3 (High Density Multifamily Residential).

The subject property that is currently zoned C-2 (General Commercial) is hereby rezoned to RM-3 (High Density Multifamily Residential), upon completion of all conditions as set forth in Exhibit A to Resolution 2017-\_\_, based on conformance with the requirements for approval of a zone change and consistency and conformance with the Community Plan and subject to all applicable ordinance requirements.

Section 2. Zoning Map

The zoning maps of the City of Sedona shall be amended to reflect these zoning changes, and at least three (3) copies of the map shall be kept in the office of the City Clerk for public use and inspection.

Section 3. Repeal

All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 12<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

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Robert L. Pickels, Jr., City Attorney

**RESOLUTION NO. 2017-\_\_**  
**PINON/89A APARTMENTS**  
**DEVELOPMENT AGREEMENT**  
**PZ 17-00009 (DA)**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,  
ARIZONA, APPROVING A DEVELOPMENT AGREEMENT WITH PINON LOFTS  
LLC, AN ARIZONA LIMITED LIABILITY COMPANY, FOR THE PINON/89A  
APARTMENTS PROJECT.**

WHEREAS, the City of Sedona ("City") and Pinon Lofts, LLC, an Arizona limited liability corporation, intend to enter into a development agreement for the Pinon/89A Apartments project that will include provisions to ensure the project addresses local housing needs and development impact fee credits for streets improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF SEDONA, ARIZONA, THAT:

The City of Sedona, through its Mayor and Council, hereby finds that the development agreement attached hereto as Exhibit A is consistent with the Community Plan pursuant to A.R.S. § 9-500.05, and approves of the agreement, authorizing the signature by the Mayor and recording by law.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 12<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney